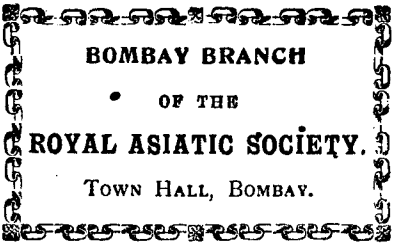


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Epochs of Modern History

THE

EARLY PLANTAGENETS

30293

BY

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WITH TWO MAPS

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Epochs of Modern History

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THE EARLY PLANTAGENETS

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THE

EARLY PLANTAGENETS.

CHAPTER I.

INTRODUCTION.

Importance of the Epoch—Its character in French and German History—In English History—Geographical Summary—Italy—Germany—France—Spain.

THE geographical area of that history which alone deserves the name has more than once changed. The early home of human society was in Asia. Greece and Italy successively became the theatres of the world's drama, and in modern times the real progress of society has moved within the limits of Western Christendom. So, too, with the material history. At one period the growth of the life of the world is in its literature, at another in its wars, at another in its institutions. Sometimes everything circles round one great man; at other times the key to the interest is found in some complex political idea such as the balance of power, or the realisation of national identity. The successive stages of growth in the

Various areas and stages of human history.

more advanced nations are not contemporaneous and may not follow in the same order. The quickened energy of one race finds its expression in commerce and colonisation, that of another in internal organisation and elaborate training, that of a third in arms, that of a fourth in art and literature. In some the literary growth precedes the political growth, in others it follows it; in some it is forced into premature luxuriance by national struggles, in others the national struggles themselves engross the strength that would ordinarily find expression in literature. Art has flourished greatly both where political freedom has encouraged the exercise of every natural gift and where political oppression has forced the genius of the people into a channel which seemed least dangerous to the oppressor. Still, on the whole, the European nations in modern history emerge from somewhat similar circumstances. Under somewhat similar discipline, and by somewhat similar expedients they feel their way to that national consciousness in which they ultimately diverge so widely. We may hope, then, to find, in the illustration of a definite section or well ascertained epoch of that history, sufficient unity of plot and interest, a sufficient number of contrasts and analogies, to save it from being a dry analysis of facts or a mere statement of general laws.

The epoch to be now treated.

Such a period is that upon which we now enter; an epoch which in the history of England extends from the accession of Stephen to the death of Edward II.; that is, from the beginning of the constitutional growth of a consolidated English people to the opening of the long struggle with France under Edward III. It is scarcely less well defined in French and German history.

France.

In France it witnesses the process through which the modern kingdom of France was constituted;

the aggregation of the several provinces which had hitherto recognised only a nominal feudal supremacy, under the direct personal rule of the king, and their incorporation into a national system of administration. In Germany it comprises a more varied series of great incidents. The process of disruption in the German kingdom, never well consolidated, had begun with the great schism between North and South under Henry IV., and furnished one chief element in the quarrel between pope and emperor. During the first half of the twelfth century it worked more deeply, if not more widely, in the rivalry between Saxon and Swabian. Under Frederick I. it necessitated the remodelling of the internal arrangements of Germany, the breaking up of the national or dynastic dukedoms. Under Frederick II. it broke up the empire itself, to be reconstituted in a widely different form and with altered aims and pretensions under Rudolf of Hapsburg. This is by itself a most eventful history, in which the varieties of combinations and alternations of public feeling abound with new results and illustrations of the permanence of ancient causes.

Germany.

In the relations of the Empire and the Papacy the same epoch contains one cycle of the great rivalry, the series of struggles which take a new form under Frederick I. and Alexander III., and come to an end in the contest between Lewis of Bavaria and John XXII. It comprises the whole drama of the Hohenstaufen, and the failure of the great hopes of the world under Henry VII., which resulted in the constituting of a new theory of relations under the Luxemburg and Hapsburg emperors.

The Empire.

Whilst these greater actors are thus preparing for the struggle which forms the later history of European politics, Spain and Italy are passing through a different discipline. In the midst of all runs the history of the

Church and the Crusades, which supplies one continuous clue to the reading of the period, a common ground on which all the actors for a time and from time to time meet.

But the interest of the time is not confined to political history. It abounds with character. It is an age in which there are very many great men, and in which the great men not only occupy but deserve the first place in the historian's eye. It is their history rather than the history of their peoples that furnishes the contribution of the period to the world's progress. This is the heroic period of the middle ages,—the only period during which, on a great scale and on a great stage, were exemplified the true virtues which were later idealised and debased in the name of chivalry,—the age of John of Brienne and Simon de Montfort, of the two great Fredericks, of St. Bernard and Innocent III., and of St. Lewis and Edward I. It is free for the most part from the repulsive features of the ages that precede, and from the vindictive cruelty and political immorality of the age that follows. Manners are more refined than in the earlier age and yet simpler and sincerer than those of the next; religion is more distinctly operative for good and less marked by the evils which seem inseparable from its participation in the political action of the world. Yet not even the thirteenth century was an age of gold, much less those portions of the twelfth and fourteenth which come within our present view. It was not an age of prosperity, although it was an age of growth; its gains were gained in great measure by suffering. If Lewis IX. and Edward I. taught the world that kings might be both good men and strong sovereigns, Henry III. and Lewis VII. taught it that religious habits and even firm convictions are too often insufficient to keep the

An epoch of great men.

Manners and religion.

Moral lessons.

weak from falsehood and wrong. The history of Frederick II. showed that the race is not always to the swift or the battle to the strong, that of Conrad and Conradin that the right is not always to triumph, and that the vengeance which evil deeds must bring in the end comes in some cases very slowly and with no remedy to those who have suffered.

It is but a small section of this great period that we propose to sketch in the present volume;—the history of our own country during this epoch of great men and great causes; but it comprises the history of what is one at least of England's greatest contributions to the world's progress. The history of England under the early kings of the house of Plantagenet unfolds and traces the growth of that constitution which, far more than any other that the world has ever seen, has kept alive the forms and spirit of free government; which has been the discipline that formed the great free republic of the present day; which was for ages the beacon of true social freedom that terrified the despots abroad and served as a model for the aspirations of hopeful patriots. It is scarcely too much to say that English history, during these ages, is the history of the birth of true political liberty. For, not to forget the services of the Italian republics, or of the German confederations of the middle ages, we cannot fail to see that in their actual results they fell as dead before the great monarchies of the sixteenth century, as the ancient liberties of Athens had fallen; or where the spirit survived, as in Switzerland, it took a form in which no great nationality could work. It was in England alone that the problem of national self-government was practically solved; and although under the Tudor and Stewart sovereigns Englishmen themselves ran the risk of forgetting the lesson they had learned and being

Importance of England's work in this epoch.

robbed of the fruits for which their fathers had laboured, the men who restored political consciousness, and who recovered the endangered rights, won their victory by argumentative weapons drawn from the storehouse of medieval English history, and by the maintenance and realisation of the spirit of liberty in forms which had survived from earlier days. It is as an introduction to the study of English history during the period of constitutional growth, that we shall attempt to sketch the epoch, not as a Constitutional History, but as an outline of the period and of the combinations through which the constitutional growth was working, the place of England in European history and the character of the men who helped to make her what she ultimately became. Before we begin, however, we may take a glance at the map of Europe at the point of time from which we start.

Character of this book.

Eastern Europe, from the coasts of the Adriatic to the limits of Mahometan conquest eastward, was subject to the emperor who reigned at Constantinople, and may, except for its incidental connexion with the Crusades, be left out of the present view. The northern portions were in the hands of half-civilised, half-Christianised races, which formed a barrier dangerous but efficacious between the Byzantine emperor and Western Christendom. The kingdom of Hungary, and the acquisitions of Venice on the east of the Adriatic fenced medieval Europe from the same enemies. Italy was divided between the Normans, who governed Apulia and Sicily, and the sway of the Empire, which under Lothar II.—the Emperor who was on the throne when our period begins—had become little more than nominal south of the Alps; the independence of the imperial cities and small principalities reaching from the Alps to

Geographical summary.

Eastern Europe.

Rome itself was maintained chiefly by the inability of the Germans to keep either by administrative organisation or by dynastic alliances a permanent hold upon it. With both the Republican north and the Normanised south, the political history of the Plantagenet kings came in constant connexion; and even more close and continuous was the relation through the agency of the Church with Rome itself. At the opening of the period, Englishmen were not only studying in the universities of Italy, at Salerno, at Bologna, and at Pavia, but were repaying to Italy, in the services of prelates and statesmen, the debt which England had incurred through Lanfranc and Anselm. An Englishman was soon to be pope. The Norman kings chose ministers and prelates of English birth; and the same Norman power of organisation which worked in England under Henry I. and Roger of Salisbury, worked in similar lines in Sicily under King Roger and his posterity. Italy.

Looking northwards, we see Germany, in the middle of the twelfth century, still administered, although uneasily, under the ancient system of the four nations, Saxony, Franconia, Swabia, and Bavaria; four distinct nationalities which refused permanent combination. This system was, however, in its last decay. Its completeness was everywhere broken in upon by the great ecclesiastical principalities which the piety and policy of the emperors had interposed among the great secular states, to break the impulse of aggressive warfare, to serve as models of good order, and to maintain a direct hold in the imperial hands on territories which could not become hereditary in a succession of priests. Not only so; the debateable lands which lay between the great nations were breaking up into minor states: landgraves, margraves, and counts palatine were assuming the functions of dukes; the dukes, where they could not maintain Germany.

the independence of kings, were seeing their powers limited and their territories divided. Thus Bavaria was soon to be dismembered to form a duchy of Austria; Saxony was falling to pieces between the archbishops of Cologne and the margraves of Brandenburg: Franconia between the Emperor and the Count Palatine; Swabia was the portion of the reigning imperial house, the treasury therefore out of which the Emperor had to carve rewards for his servants. Between the great house of the Welf in Saxony, Bavaria, and Lombardy, and the Hohenstaufen on the imperial throne and in Franconia and Swabia, subsisted the jealousy which was sooner or later to reach the heart of the Empire itself, to supply the force which threw the dislocated provinces into absolute division.

The intermediate provinces.

Westward was France under Lewis VII., divided from Germany by the long narrow range of the Lotharingian provinces, over which the imperial rule was recognised as nominal only. These provinces formed a debateable boundary line, which had for one of its chief functions the maintenance of peace between the descendants of Hugh Capet and the representatives of the majesty of Charles and Otto; and which served its turn, for between France and the Hohenstaufen empire there was peace and alliance. But many of the provinces which now form part of France were then imperial, and beyond the Rhone and Meuse the king of Paris had no vassals and but uncertain allies.

France.

Within his feudal territory, the count of Flanders to the north, the duke of Aquitaine to the south, the duke of Normandy with his claims over Maine and Brittany, cut him off from the sea; and even the little strip of coast between Flanders and Normandy was held by the count of Boulogne, who at the moment was likewise king of England. Yet the kingdom of France was by no means at its deepest degradation. Lewis VI. had kept alive the idea of a central power, and had ob-

tained for his son the hand of the heiress of Aquitaine; the schemes were already in operation by which the kings were to offer to the provinces a better and firmer rule than they enjoyed under their petty lords, by which fraud and policy were to split up the principalities and attract them fragment by fragment to the central power, and by which even Normandy itself was in little more than fifty years to be recovered; by which a real central government was to be instituted, and the semblance of national unity to be completed by the formation of a distinct national character.

North of France the imperial provinces of Lower Lorraine, and the debateable lands between Lorraine and Saxony, had much the same indefinite character as belonged to the southern parts of the intermediate kingdom. They seldom took part in the work of the Empire, although they were nominally part of it, and the stronger emperors enforced their right. But as a rule they were too distant from the centre of government to fear much interference, and, enjoying such freedom as they could, they gladly recognised the emperor's sway when they required his help. We shall see the princes of Lorraine taking no small part in the negotiations between England and Germany under Richard and John, but they generally played a game with Flanders, France, and the Empire which has but an indirect bearing on European politics; and we chiefly hear of these lands as furnishing the hordes of mercenary soldiers for the crusades and internal wars of Europe, until almost suddenly the Flemish cities break upon our eye as centres of commerce and political life.

The Low Countries.

Southward lie Spain and Portugal; divided into several small kingdoms between closely allied and kindred kings, all employed in the long crusade of seven centuries against the Moor: a crusade which is now beginning to have hopes of successful issue.

Spain and Portugal.

Central Spain, on the line of the Tagus, is still in dispute, although Toledo had been taken in 1085, and Saragossa in 1118. Lisbon was taken with the help of the Crusaders in 1147. In each of the Christian states of Spain, free institutions of government, national assemblies and local self-government, preserved distinct traces of the Teutonic or Gothic origin of the ruling races; and even before the English parliament grew to completeness, the Cortes of Castille and Aragon were theoretically complete assemblies of the three estates. The growth of Spain is one of the distinct features of our epoch; but it is a growth apart. There are as yet scarcely more than one or two points at which it comes in contact with the general action of Europe.

CHAPTER II.

STEPHEN AND MATILDA.

Accession of Stephen—Arrest of the Bishops—Election of Matilda—The Anarchy—The Pacification.

THE English had had hard times under the Conqueror and his sons, but they had learned a great lesson: they had learned that they were one people. The Normans too, the great nobles who had divided the land and hoped to create little monarchies of their own in every county and manor, had had hard times. Confiscation, mutilation, exile, death had come heavily upon them. They also had had a lesson to learn, to rid themselves of personal and selfish aims, to consolidate a powerful state under a king of their own race, and to content themselves as servants of the law with the substantial enjoyment of powers which they found themselves too weak to wrest out of the hands of

Results of the Norman rule.

the king, the supreme law-giver and administrator of the law. This lesson they had not learned. They had submitted with an ill grace to the strong rule of the king's ministers, the men whom they had taught to guard against their attempts at usurpation. Hence throughout these reigns the Norman king and the English people had been thrown together. They soon learned that they had common aims, finding themselves constantly in array against a common enemy. Hence, too, the English had already an earnest of the final victory. They grew whilst their adversaries wasted. The successive generations of the Normans found their wiser sons learning to call themselves English, while those who would not learn English ways declined in number and strength from year to year.

The Conqueror in a measure, and Henry I. with more clearness, perceived this, and foresaw the result. They were careful not only to call themselves English kings, but nominally at least to maintain English customs and to rule by English laws. One by one the great houses which furnished rivals to their power dropped before them, and Henry I. at the close of his reign was so strong that, had it not been for the fact that he had by habit and routine made himself a law to himself, he might easily have played the part of a tyrant. But the forces which he and his father had so sturdily repressed were not extinguished; nor was the administrative system, by which they at once maintained the rights of the English and kept their own grasp of power, sufficiently consolidated to stand steadily when the hands that had reared it were taken away.

Alliance of king and people.

This also, it may seem probable, Henry I. distinctly saw. It was to his apprehensions on this account that for years before his death he was busily employed in securing the succession by every

Question of succession.

possible means to his own children. The feeling which led him to do so is not quite capable of simple analysis. He had no great love for his daughter, the empress Matilda; what paternal affection he had to lavish had been spent on his son William, whose death was no doubt the trouble that went nearest to his heart. We cannot suppose that he cared much for the people whom, although they had delivered him more than once in the most trying times, he never scrupled, when it suited his purpose, to treat as slaves. It would almost seem as if he felt that, unless he could anticipate the continuance of power in the hands of his daughter and her offspring, his own tenure of it for the present would be incomplete, and the great glory of the sons of Rollo would suffer diminution in his hands.

Three times, therefore, by the most solemn oaths, he had tried to secure the adherence of the nation to her and to her son. Vast assemblies had been held, attended by Norman and English alike. Earl Stephen and earl Robert had vied with one another as to who should take the first oath of homage; the concurrence of the Church had been promised and, so far as gratitude and a sense of interest as well as duty could go, had been secured. But all this had been insufficient to stay Henry's misgivings. At the time of his death he had been already four years in Normandy striving to keep peace between Matilda and her husband, Geoffrey of Anjou, between the Normans and the Angevins, and to consolidate his hold on the duchy, which had at last, since the death of his nephew and brother, become indisputably his own. His sudden death occurred in the midst of these designs. It was said and sworn to by his steward Hugh Bigot, a man whose later career adds little to his authority as a witness, that just before his death, provoked by her per-

Precautions taken by Henry I.

verseness, he had disinherited his daughter. It may have been so; the threat of disinheritance may have been a menace which his unexpected death gave him no time to recall. But the very report was enough. He died on December 1, 1135; and from that moment the succession was treated as an open question, to be discussed by Normans and Englishmen, together or apart, as they pleased.

We may if we choose speculate on the motives that swayed the great men. No doubt the pure Norman nobles would gladly have set aside altogether the descendants of Harlotta; all the Normans together would have refused the rule of Geoffrey of Anjou. A new duke, if they must have a duke, might be chosen from the house of Champagne, from among the sons of Adela, the Conqueror's greatest and most famous daughter; Count Theobald was the reigning count, but he was not the eldest son, and as his elder brother had been set aside so might he. Stephen, the next brother, the Count of Mortain and Boulogne, and first baron of Normandy, had already his footing in the land. His wife too was of English descent. Her mother was sister to the good queen of Henry I., and whatever the old king had hoped to gain by this blood connexion with his subjects, Stephen might gain by his wife. Stephen was a brave man too, and he had as yet made no enemies.

Who were the competitors?

Stephen of Blois.

But his success, such as it was, was due to his own promptness. He had, as count of Boulogne, the command of the shortest passage to England. Whilst the Normans were discussing the merits of his brother Theobald, he took on himself to be his own messenger. He remembered how his uncle had won the crown and treasure of William Rufus; he left the Norman lords to look after the funeral of their dead lord and sailed for

Kent; at Dover and at Canterbury he was received with sullen silence. The men of Kent had no love for the stranger who came, as his predecessor Eustace had done, to trouble the land; on he went to London, and there he learned that the same prejudice which existed in Normandy against the Angevins was in full force. 'We will not have,' the Londoners said, 'a stranger to rule over us;' though how Stephen of Champagne was more a stranger than Geoffrey of Anjou it is not easy to see. Anyhow, as nothing succeeds like success, nothing is so potent to secure the name of king as the wearing of the crown. So Stephen went on to Winchester and there secured the crown and treasure. In little more than three weeks he had come again to London and claimed the crown as the elect of the nation.

Stephen's arrival in England.

The assembly which saw the coronation and did homage on St. Stephen's day was but a poor substitute for the great councils which had attended the summons of William and Henry, and in which Stephen, as a subject, had played a leading part. There was his brother Henry of Winchester, the skilled and politic churchman, who was willing enough to be a king's brother if he might build up ecclesiastical supremacy through him; there was Archbishop William of Corbeuil, who had undertaken by the most solemn obligations to support Matilda, and who knew that his prerogative vote might decide the contest against Stephen, although it could not restore the chances of peace; there was Roger of Salisbury, the late king's prime minister, the master builder of the constitutional fabric, undecided between duty and the desire of retaining power. Very few of the barons were there; Hugh Bigot, indeed, with his convenient oath, and a few more whose complicity with Stephen had already thrown them on

Election of Stephen, and coronation.

him as a sole chance of safety. The rest of the great men present were the citizens of London, Norman barons of a sort, foreign merchants, some few rich Englishmen: all of them men who were used to public business, who knew how Henry I., had held his courts, who believed confidently in force and money. They had first encouraged Stephen from fear of Geoffrey; and more or less they held to Stephen as long as he lived. These men constituted the witenagemot that chose him king, and overruled the scruples of the inconstant archbishop. They took upon them to represent the nation that should ratify the election of a new king with their applause.

Henry I. was not yet in his grave; but all promises made to him were forgotten. With what seems a sort of irony, Stephen issued as his coronation charter a simple promise to observe and compel the observance of all the good laws and good customs of his uncle.

First charter of Stephen.

The news of the great event travelled rapidly. Count Theobald, vexed and disappointed as he was, refused to contest the crown which his brother already wore; Geoffrey and Matilda were quarrelling with their own subjects in Anjou; and Robert of Gloucester, who hated Stephen more than he loved Matilda, saw that he must bide his time. Some crisis must soon occur; he knew that Stephen would soon spend his treasure and break his promises. Meanwhile the old king must be buried like a king; and the great lords came over with the corpse to Reading where he had built his last resting-place. There Stephen met them, within the twelve days of Christmas; and after the funeral, at Oxford or somewhere in the neighbourhood, he arranged terms with them; terms by which he endeavoured, amplifying the words of his charter, to catch the goodwill of each class of his subjects. To the clergy he promised relief from

the exactions of the late reign and freedom of election; to the barons he promised a relaxation of the forest law, the execution of which had been hardened and sharpened by Henry I.; and to the people he promised the abolition of danegeld. 'These things chiefly and other things besides he vowed to God,' says Henry of Huntingdon, 'but he kept none of them.' The promises were perhaps not insincere at the time; anyhow they had the desired effect, and united the nation for the moment.

First invasion by the Scots.

The king by this means got time to hasten into the North, where King David of Scots, the uncle of the empress, had invaded the country in her name. The two kings met at Durham. David had taken Newcastle and Carlisle; Newcastle he surrendered, Carlisle Stephen left in his hands as a bribe for neutrality. It was too much for David, who, although a good king, was a Scot. He agreed to make peace; but he had sworn fealty to his niece: he could not become Stephen's man. His son Henry, however, might bear the burden; so Henry swore and Stephen sealed the bargain with the gift of Huntingdon, part of the inheritance of Henry's mother, the daughter of Waltheof, the last of the English earls. Then Stephen went back to London and so to Oxford. There he published a new charter, intended to comprise the new promises of good government.

Second charter of Stephen.

This was done soon after Easter, and, as the name of earl Robert of Gloucester is found among the witnesses, it is clear that he had submitted; but the oath which he took to Stephen was a conditional one, more like that of a rival potentate than of a dependent; he would be faithful to the king so long as the king should preserve to him his rights and dignities. This was no slight concession, made by Robert doubtless because he saw that his sister's cause was hopeless, but

it was no slight obligation for Stephen to undertake Robert had great feudal domains in England, and all the personal friends of his father and sister were at his beck. Stephen might have been safer with him as a declared enemy. But for the moment there was peace.

The charter, published at Oxford, promised good government very circumstantially; the abuses of the Church, of the forests, and of the sheriffs, were all to be remedied. But the enactments made were not nearly so clear or circumstantial as the promises made at the late king's funeral.

The first cloud, and it was a very little one, arose soon after. Before Whitsuntide Stephen was taken ill, and a rumour went forth that he was dead. The Norman rage for treason began to ferment. Hugh Bigot, the lord of Norwich, was the first to take up arms; Baldwin of Redvers, the greatest lord in Devonshire, followed. But the king recovered as quickly as he had sickened. He took Norwich and Exeter, but —deserting thus the uniform policy of his predecessors— spared the traitors. Cheered by this measure of success, he immediately broke the second of his constitutional promises, holding a great court of inquiry into the forests, and impleading and punishing at his pleasure.

Rebellion of 1136.

The year 1136 affords little more of interest; the year 1137 was spent in securing Normandy, which Geoffrey and Matilda were unable to hold against him, and in forming a close alliance with France. When he returned, just before Christmas, he had spent nearly all his money, and the evil day was not far off. Rebellion was again threatening, and a mighty dark cloud had for the second time arisen in the North. We are not told by the historians exactly whether the king's misrule made the opening for the revolt, or the revolt forced him into misrule. Possibly the two evils waxed worse and

Beginning of troubles.

worse together: for neither party trusted the other, and under the circumstances every precaution wore the look of aggression. Stephen was to the last degree impolitic; and to say that is to allow that he was more than half dishonest. Still he had the great majority of the people on his side. A premature but general rebellion in the early months of 1138 was crushed in detail. Castle after castle was taken; but Robert of Gloucester had now declared himself, and King David, seeing Stephen busily employed in the South, invaded Yorkshire. It was a great struggle, but the Yorkshiremen were equal to the trial. Whether or no they loved Stephen they hated the Scots. The great barons who were on the king's side did their part; the ancient standards of the northern churches, of St. Peter of York, St. Wilfrid of Ripon, and St. John of Beverley, were hoisted, and all men flew to them. The old archbishop Thurstan, who had struggled victoriously twenty years before against King Henry and the archbishop of Canterbury to boot, sent his suffragan to preach the national cause. Not only the knights with their men-at-arms, but the husbandmen, with their sons and servants, the old Anglo-Saxon militia, the parish priests at the head of their parishioners, streamed forth over hill and plain, and in the Battle of the Standard, as it was called, they beat the Scots at Cowton Moor with such completeness that the rebellion came to nothing in consequence.

Second invasion by the Scots, in 1138.

Battle of the Standard.

Stephen felt no small addition of strength from this victory, but he was nearer the end of his treasure and the days of peace were over. Without money it is hard to act like a statesman: the difficulties were too strong for Stephen's gratitude and good faith. Yet he began his misrule not without some method. The power of Robert of Gloucester lay chiefly

Stephen's imprudent policy.

in his influence with the great earls who represented the families of the Conquest. Stephen also would have a court of great earls, but in trying to make himself friends he raised up persistent enemies. He raised new men to new earldoms, but as he had no spare domains to bestow, he endowed them with pensions charged on the Exchequer: thus impairing the crown revenue at the moment that his personal authority was becoming endangered. To refill the treasury he next debased the coinage. To recruit his military power, diminished by the rebellion, and by the fact that the weakness of his administration was letting the county organisation fall into decay, he called in Fleming mercenaries. The very means that he took to strengthen his position ruined him. The mercenaries alienated the people: the debased coinage destroyed the confidence of the merchants and the towns: the new and unsubstantial earldoms provoked the real earls to further hostility; and the newly created lords demanded of the king new privileges as the reward and security for their continued services.

His new earls.

Coinage debased.

Mercenaries imported.

Still the clergy were faithful; and the clergy were very powerful: they conducted the mechanism of government, they filled the national councils; they were rich too, and earnest in the preservation of peace. With Henry of Winchester his brother, Roger of Salisbury his chief minister, Theobald of Canterbury his nominee, he might still flourish. The Church at all events was sure to outlive the barons. With almost incredible imprudence Stephen contrived to throw the clergy into opposition, and by one fell stroke to break up all the administrative machinery of the realm. It may be that he was growing suspicious, or jealous: it is more probable that he acted under foolish advice. Anyhow he did it.

Breach with the clergy.

Roger of Salisbury, the great justiciar of Henry I., was now an old man. He had contributed more perhaps than any other to set Stephen on the throne, and had not only first placed in his hands the sinews of war, but had maintained the revenue of the crown by maintaining the administration of justice and finance. He had not served for naught. He had got his son made chancellor; two of his nephews were bishops, one of them treasurer of the king as well. He had no humble idea of his own position: he had built castles the like of which for strength and beauty were not found north of the Alps. He had perhaps some intention of holding back when the struggle came and of turning the scale at the last moment as seemed him best, an intention which he shared with the chief of his brethren; for Henry of Winchester, although the king's brother, was before all things a churchman; and Theobald of Canterbury, although he owed his place either to the good will or to the connivance of Stephen, was consistently and more or less actively a faithful adherent to Matilda and her son.

Roger of Salisbury.

How much Stephen knew of the designs of the bishops we know not, what he suspected we can only suspect: but the result was unmistakeable. He tried a surprise that turned to his own discomfiture. He arrested bishop Roger and his nephew, Alexander bishop of Lincoln, and compelled them to resign the castles which he pretended to think they were fortifying against him. At once the church was in arms: sacrilege and impiety determined even Henry of Winchester, who in 1139 became legate of the see of Rome, against his brother.

Arrest of the bishops. 1139.

This would have been hard enough to bear, as many far stronger kings than Stephen had learnt and were to learn to their cost. But the very men on whom his vio-

lence had fallen were his own ministers, justiciar, chancellor, and treasurer. The Church was in danger, the ministers were in prison; justice, taxation, police, everything else was in abeyance; and just at the right time the empress landed.

The Empress Matilda arrives.

At Christmas 1139 the whole game was up: the land was divided, the empress had the west, Stephen the east; the Church was in secession from the State. Roger died broken-hearted. Henry was negotiating with the empress. The administration had come to naught, there were no courts of law, no revenue, no councils of the realm. There was not even strength for an honest open civil war. The year 1140 is filled with a mere record of anarchy. At the court at Whitsuntide only one bishop attended and he was a foreigner. Stephen we see now obdurate, now penitent; now energetic, now despondent; the barons selling their services for new promises from each side.

It is now that the period begins which William of Newburgh likens to the days when there was no king in Israel, but every man did what was right in his own eyes, nay, not what was right, but what was wrong also, for every lord was king and tyrant in his own house. Castles innumerable sprang up, and as fast as they were built they were filled with devils; each lord judged and taxed and coined. The feudal spirit of disintegration had for once its full play. Even party union was at an end, and every baron fought on his own behalf. Feudalism had its day, and the completeness of its triumph ensured its fall.

Beginning of anarchy.

All this was not realised at once. The new year 1141 found Stephen besieging Lincoln, which was defended by Ranulf, earl of Chester, and Robert of Gloucester. Stephen had not yet been defeated in the field, and he had still by his side a considerable body of barons, though none so great as

Stephen taken prisoner, 1141.

the almost independent earl whom he was attacking. Now, however, he was outmatched or out-generaled. After a struggle marked chiefly by his own valiant exploits he was taken prisoner, and sent to the empress by her brother as a great prize. The battle of Lincoln was fought on February 2, and a week after Easter, in a great council of bishops, barons, and abbots, Matilda, the empress of the Romans, was elected Lady of England at Winchester. This assembly was, it must be allowed, mainly clerical; but there is no doubt that it represented the wishes of a great part of the barons, who, so far as they were willing to have a king or queen at all, preferred Matilda to Stephen. Henry of Winchester, however, took advantage of the opportunity to make somewhat extravagant claims on behalf of his order, declaring that the clergy had the right to elect the sovereign, and actually carrying out the ceremony of election. The citizens of London pleaded hard for the release of Stephen, whom they, six years before, had elected with scarcely less audacious assumption, but in vain. Henry was now at the crest of the wave, and he saw the triumph of the Church in the humiliation of his brother. War was the great trial by combat ordained between kings. Stephen had failed in that ordeal; judgment of God was declared against him; like Saul he was found wanting.

Election of Matilda.

So Matilda became the Lady of the English; she was not crowned, because perhaps the solemn consecration which she had received as empress sufficed, or perhaps Stephen's royalty was so far forth indefeasible; but she acted as full sovereign nevertheless, executed charters, bestowed lands and titles, and exerted power sufficient to show that she had all the pride and tyrannical intolerance of her father without his prudence or self-control. She, too, was on the crest of her wave and had her little day.

But the barons looked coolly on the triumph; it was their policy that neither competitor should destroy the other, but that both should grow weaker and weaker, and so leave room for each several feudatory to grow stronger and stronger. Neither king nor empress had anything like command of his or her friends, or anything like general acceptance.

Purpose of the barons.

Stephen's fortunes reached their lowest depth when the Londoners a few days before Midsummer received the empress as their sovereign. She had no sooner achieved success than she began to alienate the friends who had won it for her. The bishop of Winchester, although he had not scrupled to sacrifice his brother's title to the exigencies of his policy, bore no grudge against the queen and her children, and endeavoured to prevail on the empress to guarantee to the latter at least their mother's inheritance. Matilda would be satisfied with nothing less than the utter ruin of the rival house, and although the queen was raising a great army in Kent for Stephen's liberation she refused even to temporise. Henry in disgust retired from court and took up his residence at Winchester; thither the empress, having in vain attempted to recall him to her side, and having made London too hot to hold her, followed him, and established herself in the royal castle as he had done in the episcopal palace. Winchester thus witnessed the gathering of the two hosts for a new struggle.

Matilda's imprudent rule.

The queen brought up her army from Kent, the king of Scots and the earl of Gloucester brought up their forces from the north and west. But the queen showed the most promptitude. The baronage who were not bound to the legate's policy refused to complete the king's ruin, and stood aloof, intending to profit by the common weakness of the competitors. In attempting to

secure the empress's retreat to Devizes, on September 14, the earl of Gloucester was taken prisoner, and the two parties from this time forward played with more equal chances. An exchange of the two great captives was at once proposed, but mutual distrust, and the desire on both sides to take the utmost advantage of their situation, delayed the negotiation for six weeks. Stephen at Bristol, Robert at Rochester, must have watched the debate with longing eyes. The countess Mabilia of Gloucester was prepared to ship Stephen off to Ireland if a hair of Robert's head were injured; the queen demanded no less security for her husband's safety. At last, on All Saints' Day, both were released, each leaving security in the hands of the other that the terms should be fairly observed.

The earl of Gloucester taken prisoner.

Exchange of prisoners.

As soon as they were free they both prepared for a continuance of the struggle. The empress fixed her court again at Oxford; Stephen, who seems at once to have resumed his royal position, the claims founded by the election of the empress suffering a practical refutation by his release, re-entered London. The legate, still desiring to direct the storm, called a council at Westminster in December, where he apologised for his conduct rather than defended it, and where the king laid a formal complaint against the treason of the men who had taken and imprisoned him. But the time for open hostilities was deferred, the certain exhaustion which after a few months more renders the history an absolute blank, was beginning to tell. Six months passed without a sign. By Easter the empress had determined to send for her husband. Geoffrey would not obey his wife's summons until he had earl Robert's personal assurance that he should not be made a fool of. Earl Robert went to persuade his brother-in-law to throw his sword into the scale. Geof-

frey determined first to secure Normandy, and kept the earl at work there until the news from England peremptorily recalled him.

Stephen had waited until Robert had left England, and then, emerging from his sick room, had pounced down upon Wareham, the strong castle which the earl had entrusted to his son, had taken it, and then hastening northwards, had burnt the town of Oxford and shut up the empress in the castle. There she remained until her brother could succour her. He returned at once, recovered Wareham and some castles in Dorset, and called together the forces of his party at Cirencester. But the winter was now advancing; the empress contrived a romantic escape in the snow from Oxford, and before active war could be resumed she directed that the castle should be surrendered. So the year 1142 comes to an end, and we see the two parties resting in their exhaustion. The western shires acknowledged Matilda, who reigned at Gloucester; the eastern acknowledged Stephen, who made Kent his head-quarters. The midland counties were the seat of languid warfare, partly carried on about Oxford, which was a central debating ground between the two competitors, partly in Lincolnshire and Essex, where Stephen had to keep in order those great nobles who aimed at independence. Geoffrey de Mandeville, the earl of Essex, who accepted his earldom from both the courts, employed him chiefly in 1143 and 1144. The earl of Chester, who was uniformly opposed to Stephen, but who no doubt fought for himself far more than for the empress, held Lincoln as a constant thorn in the royal side. In 1145 Oxfordshire and Berkshire were the seat of war; in 1146 Stephen surprised the earl of Chester at Northampton and compelled him to give up Lincoln, and now for the first time seems to

Success of Stephen in 1142.

The kingdom divided.

have thought himself a king. In despite of all precedent and all prejudice, defying a superstition to which even Henry II. thought it wise to bow, that no king should wear his crown within the walls of Lincoln, he wore his crown there on Christmas Day.

In passing thus rapidly over these years we are but following the example of our historians, who share in the exhaustion of the combatants, recording little but an occasional affray and a complaint of general misery. Neither side had strength to keep down its friends, much less to encounter its enemies. The price of the support given to both was the same—absolute licence to build castles, to practise private war, to hang their private enemies, to plunder their neighbours, to coin their money, to exercise their petty tyrannies as they pleased. England was dismembered. North of the Tees ruled the king of Scots, David the lawgiver and the church builder, under whose rule Cumberland, Westmoreland, and Northumberland were safe; the bishopric of Durham, too, under his wing, had peace. The West of England, as we have seen, was under the earl of Gloucester, who in his sister's name founded earldoms, and endeavoured to concentrate in the hands of his supporters such vestiges of the administrative organisation as still subsisted. But the great earls of the house of Beaumont, Roger of Leicester and Waleran of Meulan, who dominated the midland shires, chose to act as independent sovereigns and made terms both in England and Normandy as if they had been kings.

Period of anarchy.

In all the misery, and exhaustion, and balance of evils, however, time was working. The first generation of actors was leaving the stage, and a new one—if not better, still freed from the burden of odium, duplicity, and dishonesty which had marked the first—came into play. And the balance of change veered now to Stephen's side.

The year 1145 cut off Geoffrey de Mandeville in the midst of his sins, the year 1143 had seen the death of Miles of Hereford, the empress's most faithful servant. In 1147 the great earl Robert of Gloucester passed away, and it is no small sign of the absolute deadness of the country at the time, that both his death and the departure of the empress, which must have almost coincided with it, are not even noticed in the best of the contemporary historians.

Departure of Matilda.

This year 1147 sees Stephen again ostensibly the sole ruler; really, however, devoid of power, as he had always been of counsel, his only strength being the weakness of everyone else. This year is marked by the great crusade of the emperor Conrad of Hohenstaufen, and of Lewis VII., and Eleanor of Aquitaine, an expedition in which England nationally had no share, and in which few of the barons took part, but which was recruited to a considerable extent by volunteers from the English ports. The capture of Lisbon from the Moors, and the placing of the kingdom of Portugal upon a sound footing thereby, was the work mainly of the English pilgrims, but it was not a national work, and it touches our history merely as suggesting a probability that some of our most turbulent spirits may have joined the crusade, and thereby increased the chances of peace at home. With 1147, then, begins a new series of movements and a new set of actors, the details of whose doings are involved and obscure.

The second Crusade.

The death of earl Robert and the departure of the empress left their party without an ostensible head; for Geoffrey of Anjou was far more intent on securing Normandy than England, and his son Henry was only just springing into manhood, David of Scotland being looked upon apparently as the guardian of his interests. Henry of Winchester had lost the legation, which had

given him such great strength in the earlier part of the struggle; the popes who had conferred it and promised to renew it, had rapidly given way to successors who were less favourable, and the chair of St. Peter was now filled by Eugenius III., the friend of St. Bernard, who was at this time the great spiritual power in European politics. The scantiness of our authorities does not allow us to speak with certainty, or to decide whether St. Bernard in the English quarrel was moved by a conviction of Stephen's wrong-doing, or by the influence of the Cistercian order; it is, however, certain that the king and his brother by attempting to force their nephew, afterwards canonised as St. William, into the see of York, in opposition to the Cistercian abbot of Fountains, had thrown that strong order, of which Bernard was the ornament, into opposition; and it is also certain that the strings of political intrigue were held by Eugenius III., and that every possible advantage was given by him to Henry of Anjou. The Englishman, Nicolas of St. Alban's, afterwards pope Adrian IV., was a close confidant of the pope, and John of Salisbury, the friend of Becket, was a close confidant of Nicolas; Becket was the clerk and secretary of Archbishop Theobald of Canterbury. These may have been the three strands of a strong diplomatic cord. The first impulse, however, which was to bring about Stephen's final humiliation was, as before, given by himself. In 1148, Eugenius III. called a council at Rheims. Archbishop Theobald asked leave to go. Stephen suspected that a plot would be concocted on behalf of the empress and her son; Henry of Winchester suspected that the archbishop wanted to apply for the legation. Leave was therefore refused, and Theobald went without leave; Stephen took the measures usual in such cases, confiscation and threats, and sent

Proceedings at Rome.

Quarrel with the archbishop.

his chief ministers, Richard de Lucy and William Martel, to counteract the archbishop's influence in the council. This had the effect of throwing Theobald, who had hitherto only been restrained by his oath of allegiance from taking the side of the empress, openly into the arms of her party; so much so that he preferred exile to submission, and even went so far as to consecrate the celebrated Gilbert Foliot, the abbot of Gloucester, and nominee of Henry of Anjou, to the see of Hereford, in opposition to both king and bishops. Neither Stephen nor Theobald was, however, as yet in a position to act freely. Stephen confiscated and Theobald excommunicated, but a hollow peace was patched up between them in the autumn by Hugh Bigot and the bishops.

In 1149, Henry of Anjou, now sixteen years old, was knighted by his great uncle David, at Carlisle. Stephen, accounting this the beginning of war, hastened to York; but went no farther, and that cloud seemed to have passed away. The king was growing old, and it was necessary for him to secure the succession to his son Eustace; the military interest of the time, always very languid, now flags altogether, and the real business is conducted at the papal court. There, as usual, fortune seems to halt according to the depth of the purses of the rivals, the balance, however, in the main inclining as the pope would have it. Sometimes there is talk of peace; now the bishop of Winchester is to be made archbishop of Wessex, now Theobald is to have the legation; now the bishops are persuaded to recognise Eustace, now they are forbidden peremptorily to do any such thing. And this goes on for five years, Stephen relieving the monotony of the time by an occasional expedition into the West of England.

Question of succession.

Henry, however, was making good use of his time on the Continent. Eustace, whose marriage with Constantia

of France, a marriage purchased by the treasures of bishop Roger in 1139, made him a dangerous competitor, laid claim to Normandy. Geoffrey, after defending it on his son's behalf during two years, finally made it over to him in 1151 and then died. Henry the next year married Eleanor of Aquitaine, the divorced wife of Lewis VII., and so secured nearly the whole of Western France. By the Christmas of 1152 he was ready to make a bold stroke for England also.

Progress of Henry of Anjou.

And England was ready for him. The bishops were watching for their time. The young Eustace was offending and oppressing. The king had now thrown the great house of Leicester as well as the prelates into determined opposition. The cessation of justice and the prevalence of private war made everyone long for any change that would bring rest. In 1152 the bishops, acting under instructions from Rome, finally refused to sanction the coronation of Eustace, and Stephen, having again tried force, was compelled to acquiesce. But he saw the end approaching. In January 1153 Henry of Anjou landed. His friends gathered round him, Stephen and Eustace collected their mercenaries. At Malmesbury, and again at Wallingford, the two armies stood face to face, but the great barons refused to abide by the decision of arms; on both occasions they mediated, and the armies separated without a blow. Just after the second meeting Eustace died, and Stephen whose health was failing, who had lost his noble-hearted wife in 1152, and whose surviving children were too young to be exposed to the chances or risks of a disputed succession, could only give way. The negotiations, begun at Wallingford, were carried on and completed by a treaty at Westminster, concluded in November, in which Stephen

Arrival of Henry, 1153.

Negotiations for peace.

recognised Henry as his heir, and Henry guaranteed the rights of Stephen's children to the inheritance of their parents. At the same time a scheme of reform, which was to replace the administrative system of Henry I. on its basis, was determined on, the details of which form a clue to the early policy of the reign of Henry II. Henry left England some three months after the conclusion of the peace. His life, it was said, was not safe, and the pressure which he had to put upon Stephen to induce him to carry out the reforms was only too likely to result in the renewal of war. He went away about Easter 1154. Stephen blundered on for six months and then died; not of a broken heart, perhaps, as the kings of history generally die, but certainly a disappointed man.

Stephen's death, 1154.

The reign of Stephen was, it may be fairly said, the period at which all the evils of feudalism came in England into full bearing, previous to being cut off and abolished for ever under his great successor. The reign exemplifies to us what the whole century that followed the Conquest must have been if there had not been strong kings like William I. and Henry I. sturdily to repress all the disintegrating designs of their barons and to protect the people. The personal character of Stephen needs no comment. He was brave. He was at least so far gentle that none of the atrocious cruelties alleged against his predecessors are attributed to him. He was false, partly no doubt under the pressure of circumstances, which he could not control, but in which he had involved himself by his first betrayal of faith. What may be the legal force of his election by the nation we need not ask: it was the breach of his oath that condemned him. No man trusted him; and as he trusted no one, knowing that he did not deserve trust, and that those who had betrayed their

Estimate of Stephen's character.

oath to his uncle would not hesitate to betray their oaths to him, he expected no one to trust him. He was not great, either for good or for evil, in himself. If he had had more wisdom he might have shown more honesty; certainly if he had been more honest he would have gained more credit for wisdom. Had he been either a more unscrupulous knave or a more honest man he would certainly have been far more successful.

CHAPTER III.

THE EARLY YEARS OF HENRY II.

Terms of Henry's accession—His character—His early reforms—His relations with France—War of Toulouse—Summary of nine years' work.

Importance attached by contemporaries to Henry's accession.

VERY few epochs of history are more clearly marked than the accession of Henry II. Most great eras are determined, and their real importance ascertained, long after the event; the famous Parliament of Simon de Montfort, in 1265, for instance, is scarcely named by the contemporary historians, and only rises into importance as later history unfolds its real bearings. But the succession of Henry is hailed by the writers of his time as a dawn of hope, a certain omen of restoration and refreshing. Often and often, it is true, such omens are discerned on the accession of a new king; men hasten to salute the rising sun; good wishes to the new sovereign take the form of prophecy, and, where they are fulfilled, partly help on their own fulfilment. Here, however, we have omens that were amply fulfilled, and an epoch which those who lived in it were the first to recognise. The fact proves how weary England was of Stephen's incompetency, how thoroughly she had learned the miserable consequences


SCOTLAND
NORTH SEA
IRELAND
Irish Sea
St. George's Channel
Bristol Channel
ENGLISH CHANNEL
Lands End
Scilly Is.
Lizard Point
Isle of Wight
Dublin
Berwick
Newcastle
Durham
Scarborough
Liverpool
Manchester
York
Lincoln
Norwich
Oxford
London
Thames
Salisbury
Winchester
Southampton
Portsmouth
Canterbury
Dover
Calais
Boulogne
Flanders
Amiens
Arras
Rouen
Caen
Normandy
(1066)
(1204)
Paris
Isle of France
Chartres
Chartres
Chartres

of a feudal system of society unchecked by strong government, how readily she welcomed the young and inexperienced but strong and, in the main, honest rule of Henry.

Youth and education of Henry.

Henry II. was born in 1133; and if we may believe the testimony of Roger Hoveden, who was one of his chaplains, and a very conscientious compiler of histories, he was recognised by Henry I. as his successor directly after his birth. When his grandfather died he was two years old. His father and mother made, as we have seen, a very ill-concerted effort to secure the succession, and it was not until the boy was eight years old that the struggle for the crown really began. In 1141 he was brought to England; then no doubt he learned a dutiful hatred of Stephen, and was trained in the use of arms; but whether he received his training under his father in France or under his uncle, Robert of Gloucester, in England, or under his great uncle, David of Scotland, we are not told. Only we know that, when he was sixteen, he was knighted at Carlisle by King David; that, like a wise boy, he determined to secure his French dominions before he attempted the recovery of England; that he succeeded to Normandy and Anjou in 1151, when he was eighteen; married his wife, the Duchess Eleanor of Aquitaine who had been divorced from Lewis VII., and secured her inheritance, when he was nineteen; that he came again to England and forced Stephen to submit to terms when he was twenty; and that at the age of twenty-one he succeeded him on the throne in pursuance of those terms. These dates are sufficient to prove that, although Henry might have got considerable experience in arms as a boy and young man, he could scarcely have had yet the education of a lawgiver. Somewhat of politics he might have learnt, but he had not had time or opportunity to learn

a regular theory of policy, or to create a method of government which, when the time for action came, he might put into execution. The extraordinary power which he showed when the time for action really arrived was in part a gift of genius; partly too it arose from his wisdom in choosing experienced advisers, and partly it was an effect of his following the broad lines of his grandfather's administrative reforms.

Character of Henry II.

Henry II. was a very great sovereign in many ways: he was an admirable soldier, most careful in forming plans, wonderfully rapid in the execution of them; he was at once cautious and adventurous, sparing of human life and moderate in the use of victory. Yet he was far from being a mild or gentle enemy; and he was economical of human life rather because of its cost in money than from any pitifulness. If he spared an enemy it was only when he had entirely disabled him from doing harm, or when he was fully assured of his power to turn him into a friend. His foes accused him of being treacherous, but his treachery mainly consisted in letting them deceive themselves. Thus he was no hero of probity, and his craft may have gone farther in the direction of cunning than was approved by the rough diplomacy of his time. He is said to have had a maxim, that it is easier to repent of words than of deeds, and therefore wiser to break your word than to fulfil an inconvenient obligation; but it cannot be said that the facts of history show him to have acted upon this shameless avowal, captious and unscrupulous as his policy more than once appears. He had no doubt a difficult part to play. His dominions brought him into close contact with all the great sovereigns of Europe. He had considerable ambitions—for himself, to hold fast all that he had acquired by inheritance and marriage; for his sons, to obtain by mar-

His family policy.

riage or other settlement provinces which, united to their hereditary provision, might make them either a family of allied sovereigns or an imperial federation under himself, and in each form the mightiest house in Christendom. Such a network of design was spread before him from the first. As the head of the house of Anjou the kings and princes of Palestine regarded him as their family representative, the grandson of King Fulk, and the man created for the re-conquest of the East. To him in their utmost need they sent the offer of their crown, the keys of the Holy Sepulchre and of the Tower of David. As the head of the Normans he was looked up to by the Sicilian king as the presumptive successor, and had the strange fortune and self-restraint to decline the offer of a second crown. The Italians thought him a likely competitor for the empire when they saw him negotiating for his son John a marriage with the heiress of Savoy, which would give him the command of the passes of the Alps; Spain saw in him the leader of a new crusade against the Moors when he sought for his son Richard a bride in the Princess of Aragon, whose portion would give him the passes of the Pyrenees. Frederick Barbarossa might well feel suspicious when he heard that English gold was given to build the walls of Milan, and when he remembered that Henry the Lion, the great Duke of Saxony and Bavaria, the head of the Welfic house, his cousin and friend whom with heavy heart he had sacrificed to the necessities of state, was also son-in-law of the king of the English. So wide a system of foreign alliances and designs helped to make Henry both cautious and crafty.

His great position in Christendom.

Nearer home his ability was tasked by Lewis VII., whose whole policy consisted in a habit of pious falsehood, who really acted upon the principle which Henry ironically formulated, and who by

Lewis VII.

either cowardice or faithlessness made himself far more dangerous than by his strength.

Henry was a kind and loving father, but his political game led him to sacrifice the real interest of his children to the design for their advancement. They soon found out that he used them like chessmen, and could not see the love which prompted his design. To his people he was a politic ruler, a great reformer and discipliner; not a hero or patriot, but a far-seeing king who recognised that the wellbeing of the nation was the surest foundation of his own power. As a lawgiver or financier, or supreme judge, he made his hand felt everywhere; and at the beginning of his reign, when the need of the reforms was forcibly impressed on the minds of his subjects by their recent misery, his reforms were welcomed; he was popular and beloved. By and by, when he had educated a new generation, and when the dark cloud of sin and sorrow and ingratitude settled down upon him, they forgot what he had done in his early days; but they never forgot how great a king he was. We may not say that he was a good man; but his temptations were very great, and he was sinned against very much by his wife and children. It is only in a secondary sense that he was a good king, for he loved his power first and his people only second; but he was good so far as selfish wisdom and deep insight into what is good for them could make him. In his early years he gave promise of something more than this, and some share of the blame that attends his later shortcomings must rest with those who scrupled at nothing that might humiliate and disappoint him.

Henry's mismanagement of his children.

In appearance, we are told, Henry was a tall, stout man, with a short neck, and projecting but very expressive eyes; he was a careless dresser, a great hunter, a man of business rather than a model of chivalry; capable

of great exertion, moderate in meat and drink, and anything but extravagant in personal as opposed to official expenditure. He was a builder of halls and castles, not very much of churches; but that may easily be accounted for. We are glad to have him pictured for us even with this scanty amount of detail, for he is well worth the trouble of an attempt at least to realise his outward presentment. Everyone knows Henry VIII. by sight; it might be as well if we had as definite an impression of Henry II.

We have observed, in sketching the close of the last reign, the existence of certain terms by which Henry and Stephen, after or in preparation for the peace of November 1153, agreed that the country should be governed. Those terms are not preserved in any formal document, but they occur in two or three of the historians of the time, in a somewhat poetical garb, disguised in language adapted partly from the prophecies of Merlin, king Arthur's seer, which were in vogue at the time, and partly from the words of Holy Scripture; and yet, from the clue they furnish to the reforms actually carried out by Henry, they seem to be based upon certain real articles of agreement.

Plan of reform.

By these terms the administration of justice was to be restored, sheriffs to be appointed to the counties, and a careful examination into their honesty and justice to be instituted; the castles which had been built since the death of Henry I. were to be destroyed; the coinage was to be renewed, a uniform silver currency of lawful weight; the mercenaries who had flooded the kingdom under Stephen were to be sent back to their own countries; the estates which had been usurped were to go to their lawful owners; all property alienated from the crown was to be resumed, especially the pensions on the Exchequer with which Stephen endowed his newly-created earls; the royal demesnes were

Terms of pacification.

to be re-stocked, the flocks to return to the hills, the husbandman to the plough, the merchant to his wares; the swords were to be turned into ploughshares and the spears into pruning-hooks.

These sentences give us a clue to Henry's reforms; that is, they show us clearly the evils that first called for his attention. The kingdom, divided in two under Stephen, had been in constant war; the barons on one side had entered on the lands of the barons on the other; Stephen had confiscated the estates of Matilda's friends in the East of England, Matilda had retaliated or authorised reprisals in the West. All this must be set right. The crown had been the greatest loser, and the impoverishment of the crown involved the oppression of the people. Henry gained the crown by a national act; he must then resume not only the wasteful grants of Stephen but those of his mother also, and, in his character of king, know neither friends nor foes amongst his own people. So the Exchequer, the board which managed the royal revenue, must be placed on its old footing, and under its old managers. With the Exchequer would revive the ancient office of the sheriffs, to whom both the collection of revenue, the administration of justice in the shires, and the maintenance of the military force was entrusted. Thus local security would restore and revive trade and commerce. And when the local administration of the sheriff was revived, no doubt the feudal usurpations of the lords of castles and manors must end. The fortified houses must be pulled down; no more should the petty tyrants tax and judge their men, fight their battles like independent princes, and coin their money as so many kings. The great PEACE should be restored, of which the king was guardian and keeper. In fact, the golden age was to return. Nor was it to be delayed until Henry came to the crown; it

Meaning of these terms.

was to be Stephen's last and expiatory task to bring about these happy results. Stephen, as we saw, wanted either the will or the power to accomplish it.

Stephen died on October 25, 1154. Henry was in France at the time, and was not able, owing to the weather, to reach England before December 8. During this time the management of affairs rested with Archbishop Theobald of Canterbury, and in some measure perhaps with his secretary, Thomas Becket, who had been so busy in negotiating the succession of Henry. Although it was the theory that during the vacancy of the throne all law and police were suspended, and no one could be punished for offences committed in a general abeyance of justice, the country remained quiet during these six weeks. Perhaps the rogues were cowed by the apprehension of a strong king coming, perhaps the religious obedience inculcated by the archbishop was really maintained; perhaps the same bad weather that kept Henry in Normandy kept thieves and robbers within doors. Nor was there any political rising during the interregnum. Stephen's children were not thought of, at least on this side of the Channel, as rivals to Henry. The Bishop of Winchester had learnt moderation, that might in him well pass for wisdom; he might well feel that his position was a hazardous one, to be maintained only by caution; and he had no reason, nor excuse for seeking a reason, for evading the compact which he had had a chief hand in making. It shows, however, his importance that as soon as Henry landed, which he did near Southampton, he hastened to Winchester, and there visited his powerful kinsman, who, as we learn, was now busily employed in collecting statues and sculpture from southern Europe, and with whom he made a friendship which, although once or

Arrival of Henry as successor to Stephen, 1154.

Henry's advisers.

Bishop of Winchester.

twice seriously endangered, was never actually broken. Amongst the other leaders who likewise had learned wisdom we must count the Empress Matilda, who, strange to say, appears to us no more as the arrogant, self-willed virago, but as a sage politician and a wise, modest, pious old lady, living at Rouen, and ruling Normandy in the name of her son with prudent counsel. Not a word is said now of her succeeding to the throne or even resigning her rights to Henry; all that was regarded as arranged by the settlement made with Stephen. Henry succeeded without a competitor. Stephen's minister, Richard de Lucy, became his minister. Theobald continued to be, as his office made him, the great constitutional adviser; and, to reconcile personal convenience with constitutional precedent, he presented his secretary to the king as his future Chancellor. Thomas Becket thus entered on his high and fatal office.

The Empress.

Theobald and Becket.

All this done, Henry appeared at Westminster on the 19th of December, and was there crowned with the ceremonies observed at his grandfather's coronation, now more than half a century past, and bound himself by the same ancient and solemn promises which Ethelred had made to Dunstan, and which the Conqueror, Henry I., and Stephen had renewed. Nor, when crowned, did he lose a moment: he issued a charter, as Stephen had done, at his coronation, confirming his grandfather's laws. The same week he held a great court and council at Bermondsey. At once he re-established the Exchequer, recalling to the head of it Bishop Nigel of Ely, whom Stephen had displaced in 1140, and setting at work at once with the business of the revenue. From this court at Bermondsey went forth the decree that the Flemish and other foreign mercenaries should leave the

Coronation.

Banishment of mercenaries.

kingdom at once, and that the castles built under Stephen should be thrown down. The mercenaries fled forthwith. Their presence was perhaps the most offensive of all insults to the national pride, and the late reign had taught Normans and Englishmen that they had now a common nationality in suffering, if not in conquest. By this article of the agreement Henry faithfully stood. Although he fought all his foreign wars with mercenaries, he never but once—and that in the greatest emergency, and to repel foreign mercenaries brought against him by the rebellious earls in 1174—introduced any such force into England. Even Richard employed in the kingdom no more foreigners than formed his ordinary surroundings, and it is not until John's reign that we find the country again oppressed and insulted by hired foreign soldiery.

The demolition of the castles, which one contemporary writer reckons at three hundred and seventy-five, another a little later at eleven hundred and fifteen, was a still greater boon; for these, had they been suffered to stand, would not only have fitted England to be a constant scene of civil war, but have continued to afford to their owners a shadow of claim for the exercise of those feudal jurisdictions which on the Continent made every baron a petty despot. Castles were unfortunately not entirely destroyed at this time; the older strongholds, which had been built under Henry I., were untouched, and gave trouble enough in the one civil war that marks the reign; but the legal misuse of them was abolished, and they ceased to be centres of feudal lawlessness. Destruction of castles.

Another measure which must have been taken at the coronation, when all the recognised earls did their homage and paid their ceremonial services, seems to have been the degrading or cashiering Fate of the new earls.

of the supposititious earls created by Stephen and Matilda. Some of these may have obtained recognition by getting new grants; but those who lost endowment and dignity at once, like William of Ypres, the leader of the Flemish mercenaries, could make no terms. They sank to the rank from which they had been so incautiously raised.

Resumption of lands.

The resumption of royal estates, and the restoration of the dispossessed on each side, was probably a much more difficult business than the humiliation of the earls. Doubtless the enemies of Henry's mother would bear their reverses silently, to avoid entire ruin; or only those would think of continuing in opposition who had no hope but in terms which might be granted to pertinacious resistance; but Matilda's supporters might well think it hard that they should be called upon to resign their hardwon gains. Still, Henry was a national king; the resumption of domain was not an Angevin conquest; it was a national restoration of the state of affairs as it stood before the beginning of the national quarrel. As a matter of fact only two or three of the nobles made any resistance. William of Aumâle, the Lord of Holderness, who had commanded at the Battle of the Standard, and who played the part of a petty king in Yorkshire, objected to surrender his great castle at Scarborough. He, of course, had been on Stephen's side, and was, indeed, a member of the House of Champagne—the son of that Count Stephen who had been brought forward by the Norman earls as competitor with William Rufus. Of Matilda's old friends, Hugh Mortimer, the lord of Wigmore, and Roger of Hereford, the son of Miles the Constable, declined to submit. The King of Scots too, Malcolm IV., grandson of King David and half-cousin of Henry, although the Northern counties had been held

Resistance of William of Aumâle.

in trust for Henry, wished to retain them for himself. In January 1155, however, Henry marched northwards and brought the Count of Aumâle to his feet. In March he was at London holding council for the restoration of peace and the confirmation of the ancient laws. He declared that neither friend nor foe should be spared. Roger of Hereford immediately surrendered. Hugh of Mortimer still held out, and did not submit until Henry had called out the national force for the capture of Bridgenorth. On exactly the same ground it was that Henry I. had won his victory over Robert of Belesme, when in 1102 he laid the axe to the tree of feudal misrule, and his subjects, rejoicing at the overthrow of the oppressor, hailed him as now for the first time a king. This was accomplished in July. And this was a permanent pacification; it was nearly twenty years before anything like rebellion reared its head.

Surrender of the malcontents.

The history of the first year of Henry's reign is not, however, filled up thus. He restored the administration of justice, and sent itinerant members of his judicial court to enforce the law which had been so long in abeyance. He himself learned the law as an apt scholar. Even at Bridgenorth he found time to hear suits brought before him as supreme judge; at Nottingham, whilst he was on his way from Scarborough, he threatened William Peverell with a charge of having poisoned the Earl of Chester. The very threat caused Peverell to take refuge in a monastery. He held council after council, taking advice from his elders, and making friends everywhere. In one assembly held at Wallingford after Easter he obtained the recognition of his little son William, who afterwards died, as his successor. In another, held at Winchester, at Michaelmas, he proposed that the conquest of Ireland

Restoration of judicature.

Frequent councils.

should be attempted and a kingdom founded there for his brother William. The empress objected to this, and it was given up, at least during her life, although the English Pope, Adrian IV., by his famous Bull *Laudabiliter*, issued about this time, was already anxious to give the papal authorisation to a scheme that would complete the symmetrical conformation of Western Christendom. A national expedition, Henry may have thought, would do more than anything else to consolidate the national unity which was growing rapidly into more than a name. But clearly the time was not come for England, shorn of her Northern provinces, and with the Welsh unsubdued, to attempt foreign conquest; and Henry had other states besides England to take thought for.

Proposal to conquer Ireland.

The whole of the next year he had to spend in Normandy and Anjou, and, when he returned in 1157, he found abundant work ready for his hands in his still undetermined relations with Wales and Scotland. His first visit was to the Eastern counties, and there he combined business with pleasure. William of Warenne, Count of Boulogne and Earl of Surrey, the son of Stephen, had received a considerable estate in Norfolk, including the castle of Norwich; and Hugh Bigot, the earl of the county of Norfolk, the same Hugh who had sworn that Henry I. disinherited the empress, was very reluctant to accept the strong rule of the new king. Whether Hugh was now acting on behalf of Stephen's family or in opposition to them is not clear. It was his attitude that drew the king into that country. He was made to surrender his castles; and William of Warenne likewise surrendered his special provision, on the understanding that he was to receive his hereditary estates. Henry added solemnity to this visit by holding a solemn court

Hugh Bigot humbled, 1157.

and wearing his crown in state on Whit-Sunday, at St. Edmund's, the second recorded coronation-day of the reign. This ceremony was a revival of the great courts held by the Conqueror and his sons on the great festivals, Christmas, Easter, and Whitsuntide, at Gloucester, Westminster, and Winchester, the three chief cities of the South. At such gatherings all the great men attended, both witan and warriors, clerk and lay. The king heard the complaints of his subjects, and decided their suits with the advice of his wise men; the feudal services, by which the great estates were held, were solemnly rendered; a special peace was set, the breakers of which within the purlieus of the court were liable to special penalties; and during the gathering, whilst the people were amused and humoured by the show, the king and his really trusted advisers contrived the despatch of business. The ceremony of coronation, which gave the name to these courts, was not, as is sometimes supposed, a repetition of the formal rite of initiation by which the king at his accession received the authorisation of God through the hands of the bishops; the character so impressed was regarded as indelible, and hence the only way of disposing of a bad king was to kill him. That rite, the solemn consecration and unction, was incapable of being repeated. The crown was, however, on these occasions placed on the king's head in his chamber by the archbishop of Canterbury, with special prayers, and the court went in procession to mass, where the king made his offering, and afterwards the barons did their services, as at the real coronation. These courts had been given up by Stephen, as the historian Henry of Huntingdon notes with an expressive lamentation, in the year 1140, when the clergy ceased to attend them; and he had made only one unlucky attempt, the Lincoln coronation, in 1147, to revive them. Henry, however,

Second coronation.

renewed the custom on this occasion, and twice after this we find it observed. At the Christmas of this year he was crowned at Lincoln, but not, like Stephen, in the cathedral, for he feared the omen; and at Easter 1158 he was crowned at Worcester. After that he never actually wore the crown again, although he did occasionally hold these formal courts, in order to receive the honorary services by which his courtiers held their estates. This coronation, then, at St. Edmund's was, as usual, turned to purposes of business. The king was ready for a Welsh war; measures were taken for providing men and money.

At another council, held in July, at Northampton, the expedition started. This was Henry's first Welsh war, and it was no great success. The army advanced into North Wales; at Consilt, near Flint, an awkward pass, they were resisted by the Welsh. There Henry of Essex, the Constable, let fall the royal standard, as he declared, by accident. The army, thinking that the king was killed or the battle lost, fell into confusion, and the day was claimed by the Welsh as a victory. That it was merely a misfortune of little importance is proved by the fact that Henry continued his march to Rhuddlan. The ostensible pretext of the expedition being to arrange a quarrel between Owen Gwynneth and his brother Cadwalader, there was no overt attempt at conquest. The king returned from Wales into Nottinghamshire to meet the young Malcolm IV., who seems at this time to have finally surrendered his hold on the Northern counties. At Christmas Henry was at Lincoln.

First Welsh war.

In 1158 he wore his crown, as we have seen, at Easter, at Worcester; in the summer he went into Cumberland, no doubt to set the machinery of government at work there in due order after the change of rulers; and at

Carlisle on Midsummer-day he conferred knighthood on William of Warenne. In August he went to France, whence he did not return until January 1163. This brings us to the point of time at which the struggle with Becket begins, to which, with its attendant circumstances, we may devote another chapter.

Long visit to France, 1158–1163.

We may, therefore, now take up the thread of the foreign transactions at the beginning of the reign and bring it down to the same point. The geographical extent of Henry's dominions furnishes the leading clue to this part of his history. They embraced, speaking roughly and roundly, Normandy, Maine, Touraine, Anjou, Guienne, Poictou, and Gascony. But this statement has to be accepted with some very important limitations. In the first place, each of these states, and each bundle of them, had come to him in a different way—some from his father, some from his mother, some by his wife—and each bundle had been got together by those from whom he received it in similar ways. The result of that was that in each state or bundle of states there was a distinct relation between the lord and his vassals—a constitution, we might call it, by which various rights and privileges and a varying legal system or customs subsisted. What was law in Normandy was not customary in Anjou; and the barons of Poictou had, or claimed, customs which must, if they could have enforced them, have produced utter anarchy. Here was a constant and abundant source of administrative difficulties, the adjustment of which was one of the causes of Henry's long absence from England. But a second incidental result was, that, as many of these estates came into the common inheritance on very deficient title, conquest in one case, chicanery in another, there were a number of claimants in each, claimants who by

Foreign possessions of Henry.

His relations with his vassals.

prescriptive right might have lost all chance of recovering their lands, but whose very existence gave trouble. In Anjou, for instance, Henry had to contend against his own brother Geoffrey, to whom their father had left certain cities, and who might have a claim to the whole county. In Normandy the heirs of Stephen claimed the county of Mortain; in Maine, Saintonge, and other Southern provinces, there were the remnants of older dynasties, always ready to give trouble.

His relation to the King of France.

But further than this, the feudal law, as it was then recognised in France, gave the king, in his manifold capacities as king, duke, and count, certain rights and certain obligations that are puzzling now, and must have been actually bewildering then. Henry as Duke of Normandy inherited the relation, entered into by his ancestor Duke Richard the Fearless, of vassal to the Duke of the Franks; but the Duke of the Franks had now become King of France. It was a serious question how the duties of vassalage were to be defined. As Duke of Normandy also he had a right to the feudal superiority of Brittany. Yet it was no easy thing to say how Brittany could be made to act in case of a quarrel between king and duke. The tie which bound him as Count of Anjou was different from that which bound him as Duke of Normandy to the same King of France. As Count of Poictiers he was feudally bound to the Duke of Aquitaine, but he was himself duke of Aquitaine, unless he chose to regard his wife as duchess and himself as count, in which case he would be liable to do feudal service to his wife only, and she would be responsible for the service to the King of France; a very curious relation for a lady who had been married to both. We do not, however, find that this contrivance was employed by Henry himself, although it was used by John. And

this same point of difficulty arose everywhere. The feudal rights of Aquitaine—the right, that is, to demand homage and service—extended far beyond the limits of the sovereign authority of the dukes, and it was always an object to turn a claim of overlordship into an actual exercise of sovereign authority. The tie between the great county of Toulouse and the duchy of Aquitaine was complicated both by legal difficulty and by questions of descent. The rights over Auvergne, claimed by both the king and the duke, were so complex as to be the matter of continual arbitration, and at last were left to settle themselves.

And to these must be added, in the third place, local and personal questions; local, such as arose from uncertain boundaries, the line which separated Normandy from France, the Norman from the French Vexin, being perhaps the chief; personal, arising from the enmity between Eleanor and her first husband, from the attitude of the house of Champagne, from which Lewis VII. had selected his third wife, and which had the wrongs of Stephen to avenge. The Count of Flanders also was a pertinacious enemy of Henry.

Questions of boundary.

Personal questions.

Under these circumstances it is not difficult to see that Henry's policy, however ambitious he might be, was peace; at all events, peace long enough to consolidate his dominions and crush antagonism in detail. And this must account for the fact that, with the exception of the war of Toulouse, in which Lewis VII. took part, not as a principal but as an ally of the count, there was no overt war between Eleanor's two husbands until it was produced by an entirely new quarrel. It could not be expected that there should be any love or friendship, but there was peace. Henry's policy was peace; Lewis was averse to war, having

Henry's true policy.

neither skill nor resources. All Henry's French campaigns, then, during this period were occasioned by the circumstances which have been thus stated. The object of the war of 1156 was, sad to say, the subjugation of Geoffrey of Nantes, the king's own brother, who submitted to him, after he had taken his castles one by one, in the July of that year, and who died two years after. The business of 1158 was to secure the territories that Geoffrey had left without heirs, and, that done, to prepare for the enforcement of Eleanor's claims on Toulouse.

His French wars.

The war of Toulouse, with its preparations and results, occupied the greater part of 1159, although the campaign itself was short. Henry had assembled his full court of vassals. William of Warenne, the son of Stephen, and Malcolm, King of Scots, followed him as his liegemen rather than as allies. Becket, as his Chancellor, came with an equipment not inferior to that of any of his earls and counts. Altogether it was a very splendid and expensive affair. The king marched to Toulouse; but at Toulouse was his enemy, his friend, his lord, his wife's first husband. Henry could not proceed to extremes against the man whom in his youthful sincerity he still recognised as his feudal lord, and whose personal humiliation would have degraded the idea of royalty, of which he was himself so proud. So he left Becket to continue the siege and returned westward. The French were attempting a diversion on the Norman frontier. Toulouse, therefore, was not taken. Towards the end of the year a truce was made with Lewis, and early in 1160 the truce was turned into an alliance. But the alliance brought with it the seeds of new and more fatal divisions.

War of Toulouse, 1159.

We have noted the way in which Henry used his

children as his tools or as the counters of his game. He began with them very young. His eldest child, William, to whom we have seen homage done immediately after the coronation, died very soon after, and Henry, who was born in February 1155, and had received conditional homage when he was two months old, now became the heir-apparent. The next child was a daughter, Matilda, born in 1156; in 1157 Richard was born, at either Oxford or Woodstock; Geoffrey, the next brother, came in 1158; then Eleanor, in 1162; Johanna, in 1165; and last of all John, in 1167. On Henry's attempts to provide for these children hangs nearly all the interest of his foreign wars; and the marriages of the daughters form a key to the history of the foreign policy of England and her alliances for many ages.

Henry's sons and daughters.

The game may be considered to begin with Richard, who at the age of a year was betrothed to the daughter of Raymond of Barcelona and Queen Petronilla of Aragon. This was done, it appears, to bind the count and queen either to help or to stand neutral in the war of Toulouse. The betrothal came to nothing. Henry, the elder brother, was the next victim. The peace of 1160 assigned him, at the age of five, as husband to the little lady Margaret of France, Lewis's daughter by his second wife, Constance of Castille. This marriage was not only to seal the peace but to secure to Henry a good frontier between Normandy and France. The castles of Gisors and Neafle, and the county of the Vexin, which lay between Normandy and Paris, were to be Margaret's portion, not to be surrendered until the marriage could be formally celebrated, and until then to remain in the custody of the Templars. Henry, however, did not stick at trifles. The little Margaret had been put into his hands to learn English or Norman ways. He had the marriage

His projects of marriage for them.

celebrated between the two children, and then prevailed on the Templars to surrender the castles. Lewis never forgave that, and the Vexin quarrel remained an open sore during the rest of the reign; for after the death of the younger Henry his rights were transferred to Richard by another unhappy marriage contract with another of Lewis's daughters. Practically the question was settled by the betrayal of Gisors to Philip, by Gilbert of Vacœuil, whilst Richard was in Palestine; but the struggle continued until John finally lost not only the Vexin but Normandy itself and all else that he had to lose. For the present, however, the outbreak of war, to which Henry's sharp practice led, was only a brief one. Henry was successful, and peace was concluded in August 1161. The year 1162 he spent in Normandy, holding councils and organising the administration of the duchy, as he had done that of the kingdom in his first year.

Marriage of Henry and Margaret.

During the whole of this long absence from England the country was governed by Richard de Lucy and Earl Robert of Leicester, as the king's chief justices or justiciars; the little Henry taking his father's place on occasions of ceremony, when he happened to be in England. The historians of these years tell us little or nothing of what was going on. There were no wars or revolts; abbots and bishops died and their successors were appointed; notably the good Archbishop Theobald, to whom Henry owed so much, died in 1161, and Becket succeeded him.

England during the king's absence.

From other sources we learn that Henry's legal reforms were in full operation. He had restored the machinery of the Exchequer, and with it the method of raising revenue which had been arranged in his grandfather's time. That revenue arose, firstly, from the ferm or rent of the counties; that is,

Progress of reforms.

the sum paid by the sheriffs as royal stewards, by way of composition for the rents of royal lands in the shire, and the ordinary proceeds of the fines and other payments made in the ancient shire-moot or county court; secondly, from the Danegeld, a tax of two shillings on the hide of land, originally levied as tribute to the Danes under Ethelred, but continued, like the Income Tax, as a convenient ordinary resource; thirdly, from the feudal revenue, arising from the profits of marriages, wardships, transfers of land, successions, and the like, and from the aids demanded by the king from the several barons or communities that owed him feudal support. To these we may add a fourth source, the proceeds of courts of justice, held by the king's officers to determine causes for which the ancient popular courts were not thought competent; such as began with suits between the king's immediate dependents, and by degrees extended to all the civil and criminal jurisdiction of the country. Judicature and finance were thus bound very closely together; the sheriffs were not only tax-gatherers but executors of the law, and every improvement in the law was made to increase the income of the Exchequer. To this we must attribute the means taken by Henry to administer justice in the counties, sending some of the chief members of his judicial staff, year after year, through the country, forcing their way into the estates and castles of the most despotic nobles, and spreading the feeling of security together with the sense of loyalty, and the conviction that ready justice was well worth the money that it seemed to cost. Besides the revival of the provincial judicature in this shape Henry, from the beginning of the reign, added form and organisation to the proceedings of his supreme court of justice, which comes into prominence later on.

Nature of the revenue.

Administration of justice.

Next to these his most important measure was the institution or expansion of what is called Scutage. According to the ancient English law every freeman was bound to serve in arms for the defence of his country. That principle Henry only meddled with so far as to direct and improve it. But, according to the feudal custom, quite irrespective of this, every man who held land to the amount of twenty pounds' worth of annual value was obliged to perform or furnish the military service of a knight to his immediate lord. This kept the barons always at the head of bodies of trained knights, who might be regarded as ultimately a part of the king's army, but in case of a rebellion would probably fight for their immediate lord. Henry, by allowing his vassals to commute their military service for a money payment, went a long way to disarm this very untrustworthy body; and with the money so raised he hired stipendiaries, with whom he fought his Continental wars. He began to act on this principle in the first year of his reign, when he made the bishops, notwithstanding strong objections from Archbishop Theobald, pay scutage for their lands held by knight-service. But in 1159 he extended the plan very widely, and took money instead of service from the whole of his dominions, compelling his chief lords to serve in person, but hiring, with the scutages of the inferior tenants, a splendid army of mercenaries, with which he fought the war of Toulouse.

Scutage.

By thus disarming the feudal potentates, and forcing his judges into their courts, he completed the process by which he intended to humiliate them. Feudalism in England, after the reign of Henry II., never reared its head so high as to be again formidable.

Other results incidentally followed from the special measures by which this great end was secured; the more thorough amalgamation of the still unfused nationalities

of Norman and Englishman followed from a state of things in which both were equal before the law, and the distinctions or privileges of blood were no longer recognised among free men. The diminution of military power in the hands of the territorial lords left the maintenance of peace and the defence of the country to be undertaken, as it had been of old, by the community of free Englishmen, locally trained, and armed according to their substance. This created or revived a strong warlike spirit for all national objects, without inspiring the passion for military exploit or glory, which is the bane of what is called a military nation. On the national character, thus in a state of formation, the idea that law is and ought to be supreme was now firmly impressed; and although the further development of the governmental system furnished employment for Henry's later years, and was never neglected, even in the busiest and unhappiest period of his reign, it may be fairly said that the foundation was laid in the comparative peace and industry of these early years. At the age of thirty Henry had been nearly nine years a king, and had already done a work for which England can never cease to be grateful.

Increase of national unity.

CHAPTER IV.

HENRY II. AND THOMAS BECKET.

The English Church—Schools of Clergy—Rise of Becket—Quarrel with the King—Exile—Death.

THE history of the Church of England is during many ages the chief part of the history of the nation; throughout it is a very large part of the history of the people. Their ways of thinking, their system of morals, their intellectual growth, their inter-

The English Church.

course with the world outside, cannot be understood but by an examination of the vicissitudes of their religious history; and it plays a scarcely less important part in the development of their political institutions. Christianity in England, looked at by the eye of history, means not only the knowledge of God and His salvation by Christ Jesus; it carries with it, besides, all that is implied in civilisation, national growth and national unity.

Under the Heptarchy.

When the English, under the seven or eight struggling and quarrelling dynasties whose battles form for centuries all the recorded life of the island, were seven or eight distinct nationalities,—some of them tribally connected, some of them using allied systems of law, but otherwise having scarcely anything in common beyond dialects of a common growing language,—altogether without any common organisation or the desire of forming one,—the conversion in the seventh century taught them to regard themselves as one people. They were formed by St. Gregory and Archbishop Theodore into an organised Christian Church, the several dioceses of which represented the several kingdoms or provinces of their divided state.

National unity first realised.

Thus arranged in one or, later on, in two ecclesiastical provinces, the wise men of the several tribes learned to act in concert; the tribes themselves, casting aside their tribal superstitions for a common worship, found how few real obstacles there were to prevent them from acting as one people; and from the date of the conversion the tendency of the kingdoms was to unite rather than to break up. Although this process was slow—for it went on for four centuries, and was scarcely completed when the Norman Conquest forced the mass of varied national elements into cohesion—it was a uniform tendency, contrasted with and counteracting numerous and varying

tendencies towards separation. The Church built up the unity of the State, and in so doing it built up the unity of the nation.

And one result of this was to make the Church extremely powerful in the state. There was but one archbishop of Canterbury when there were seven kings; that archbishop's word was listened to with respect and obeyed in all the seven kingdoms, in any one of which the command of a strange king would have been received with contempt. The archbishop was exceedingly powerful, both in Kent, his peculiar diocese, and by his alliances with the states and churches of the Continent; and the diocesan bishops were each, in his own district, a match for their kings, because they knew that in any struggle they could depend on the friendship of all their fellows outside their special kingdom, much more than the peccant king could depend on the assistance of his fellow-kings. They could meet in one council, whilst the several kings could only collect their own Witenagemots; they were, in fact, the rulers of the Church of England, whilst the kings were only kings of Kent, Mercia, and Wessex. And when the kingdoms became one under the descendants of Egbert the prelates retained the same power.

Great power of the clergy.

Never, perhaps, in any country were Church and State more closely united than they were in Anglo-Saxon times in England; for they were united, with careful recognition of their distinct functions, not, as in Spain and some other lands, confounding what should have been kept distinct, or making the prelates great temporal lords, or the national deliberations mere ecclesiastical councils. The prelates, the bishops and abbots, formed, as wise men, qualified by their spiritual office to be counsellors, a very large proportion of the Witenagemot, the ruling council of the kingdom; in

Alliance of Church and State.

every county the bishop sat in the courts with the sheriff, to declare the Divine law, as the sheriff did the secular law. The clergy were, for all moral offences, under the same rules as the laity, save that it was the bishop who in the common court attended to their case and saw substantial justice enforced. So matters went on until the Conquest, the changes which took place in the meantime affecting the spiritual discipline and character rather than the constitutional position of the clergy; making them, that is, more or less secular in their views and aims, but not lessening their power. Nay, every change strengthened rather than weakened their position. Dunstan was the prime minister of the last mighty king; but under Canute the prelates were even more powerful than under Edgar; and we can understand from the history of the Conquest that it was not the fault of the English-born bishops that William the Norman obtained the victory in the council as well as in the field.

Effects of the Conquest on the Church.

The Conquest had some very marked effects in this region of life. In the first place, it was absolutely necessary for William to have the clergy on his side; if he had not he would have nothing to form a counterpoise for the power of the barons, which was already threatening, nor would he have been able to get hold of the people. He wanted to be a national king—the protector of the national Church, the king of the English people. In the hope of securing the support of the bishops he waited for three years before he took summary measures against those who were still secretly or overtly hostile. When patience was seen to be unavailing he deposed Archbishop Stigand, no doubt at the instigation of the Pope, but in his place he set, not a Norman, who would have alienated the people, but a wise Italian, under whose counsels the Norman king and the English people were drawn together

almost as closely as the king and people had been before the Normans came. Two effects resulted directly from this. The Conquest of England coincides in point of time with the great period of the Hildebrandine ideas;—the reign of Gregory VII. and of the popes appointed by his influence, in which a new interpretation was put on the relations of Church and State, and a jealous equilibrium established or attempted, the result of which in France and Germany seemed to be the tying of the State to the chariot-wheels of the Church. Of such a consummation there was in England no chance under William and Lanfranc, but nevertheless the coincidence in time was not without its consequences. England and her Church were drawn into the vortex of the Church politics of Europe, and the relations between Church and State in England were remodelled upon the new type. The courts of the bishops for the trial of clerks were separated from the courts of the sheriffs; the election of prelates was arranged by a sort of compromise between royal power and canonical form; the bishops became barons and held their lands, or a portion of them, by the new baronial tenure; and their councils were marked off by a much broader line than they had been from the councils of the Witan, or the courts of the king. Then, too, a new concordat was arranged to regulate the exercise of the papal power, for which, before the Conquest, the English had had a respectful but very distant regard. The king insisted that when there were rival popes he should be the judge to determine which should be accepted in England; no suit or appeal should be carried to Rome without his leave; none of his servants should be excommunicated against his sovereign will; no legate should land without his permission; no ecclesiastical legislation should be enforced without his approval.

The Hildebrandine revival.

Church policy of the Conqueror.

Within these limits the bishops had a great deal of new power; and, as they succeeded in a great measure to the implicit faith and obedience which the nation had given to their own English bishops, they were able to exert a very strong influence towards keeping the nation together. They were kept by the king upon his side, as opposed to the barons, and securing them he secured the nation. This is clear even in the history of Anselm, who, although opposed to and persecuted by the king, never forgot his duty to the people so far as to take part with the barons against him. Besides the bishops, however, there was in the monasteries a great reserve fund of national feeling; and, up to the reign of Henry II., what little we can trace of English feeling is to be traced in the writings of the monks; they kept alive an English sentiment as distinct from the new national idea that was to blend English and Norman, the king and the bishops more distinctly representing the latter.

The Norman bishops.

These things being so, we are able to understand what it was that gave the prelates the great moral weight they possessed in Stephen's reign, and to perceive how vast was the importance of maintaining the alliance between them and the crown. We learn too how the many streams of influence which they guided reacted upon the clerical body itself, and produced several distinct schools or classes of ecclesiastical character. In the first place, the kings had taken prelates to be their ministers, and had promoted their ministers to be prelates. Bishop Roger of Salisbury was not only a powerful ecclesiastic but the royal justiciar, the head of all the courts and the treasurer of all the money of the king. Under him was a set of clerks who would set the fashion for one school of the clergy, secular in mind and aim and

In Stephen's reign.

Secular school.

manners; often married men, so far as their right to marry can be accounted valid, canons of cathedrals, where they provided for their children and made estates for themselves; worthy men most of them, the predecessors of the clerical magistrates of this day, far greater in quarter sessions and county meetings than in convocation or missionary work. That was one very strong school—a school that required tender handling both politically and ecclesiastically, and in the view of which we can understand how important it was for Bishop Roger to secure the consent of the Pope and the archbishops to his holding secular office. For it is said that, worldly man as he was, he refused, as a matter of conscience as well as policy, to act as the king's minister without the distinct approval of the saintly Anselm and his successors, the archbishops as well as the popes.

A second class was composed of the ecclesiastical politicians, men, that is, who were before all things Churchmen, of whom Henry of Winchester is one of the best specimens. These did not, like the first, sink the clergyman in the statesman or the magistrate, and accept preferment as the mere reward of political service; they were not the Sadducees but the Pharisees of the time; they would not marry, nor sell livings, nor act against the Pope; whatever secular power they could get they would use for the benefit of the Church. To say this is not to condemn them; they saw in the service of the Church the clearest and readiest way of serving both God and man. These men were in tone and morals a higher set of men than the first. They were in close alliance with the see of Rome; they knew far more than the others about the state of Christendom generally; they were scholars, the founders of universities, the protectors of culture; they prevented the Church from becoming thoroughly secular; and, if there was a higher

Ecclesiastical school.

type, it was a type also much more liable to be assumed by counterfeits. It is a great mistake to undervalue this school. It would seem probable that both Archbishop Theobald as well as his rival, Henry of Winchester, should be referred to it; it was the party of the Legate, the party that tried to introduce the Civil law as a subject of study at Oxford; that went abroad to attend councils, that bearded royal tyranny in Church and State.

And there was a higher type—a type we will call it rather than a school, because the graces that compose it are not learned in men's schools, but under the discipline of a Divine master: the pure religious type, which we find, with some alloy, in such men as Anselm; the meek and quiet spirit that has a zeal for righteousness and a love of souls; that will bear all things for itself, but rise up to avenge the cause of the helpless. It is the noblest type; to which belong the true hero, the true martyr, the saint indeed; but it is a type which to man's eye is the most easily counterfeited by the popular hero, the self-advertising saint, the professed candidate for mock martyrdom.

The Spiritual school.

Such, then, are the three types of character which perhaps mark all ages of the Church, but which come out most markedly and distinctly in the present period; and the career of Thomas Becket, the hero of this part of our national history, cannot be understood without a clear idea of them.

For Becket was a very extraordinary man. In whatever he did he acted on Solomon's maxim and did it with his might; and, as he passed through each of the phases of character that mark these three schools, his career may be divided accordingly. In the first phase he was a secular Churchman. He had been trained in the house of his father, a London merchant of Norman blood; he had been schooled

Rise of Thomas Becket.

in accounts by Master Octonummi; he had learned accomplishments in the hall of Richer de l'Aigle; and then had entered Archbishop Theobald's family as secretary. There, no doubt, he got his knowledge of civil and canon law, and learned the business of a diplomatist. Although Theobald was an ecclesiastical politician of the second stamp, he did not as yet impress that character on Becket. John of Salisbury, who also was Theobald's secretary, took some such impression from him, and shows it in a constant criticism of Becket from the point of view natural to the Churchman pure and simple. Still Becket learned that side of life during these experiences. With this training he was qualified not only to conduct the negotiations that secured the crown to Henry II., but, when he was made Chancellor, as he was at the king's accession, he was able to manage and extend the duties of his office, magnifying it as no other Chancellor had done before. The Chancellor was a sort of secretary of state for all departments; he was not so powerful in himself, or in his constitutional position, as the Justiciar, but he had nearly as much real power through his hold on the king, whose letters he wrote, whose accounts he kept, all whose formal business he recorded, and all whose irksome duties he took off his hands. We find Becket, then, in this relation to Henry, who had no great love of public pomp, and was willing enough that the Chancellor should share the expense. Becket at this time appears to us as a very splendid officer, with a great retinue of knights and a great revenue from his churches; an indefatigable letter-writer, an efficient judge, a cunning financier; as yet not a great Churchman in politics, for the plan of taxing the bishops by scutage was set on foot by him, in opposition to the archbishop, his old patron.

Becket as Chancellor.

Henry might well think himself fortunate in securing

such a minister; he threw himself with entire confidence upon him, and there can be little doubt that Becket is to a great degree answerable for the grievous change in Henry's character that followed their quarrel. To anticipate, however: when Henry made his Chancellor Archbishop of Canterbury he contemplated securing, at the head of the Church, a friend who would sympathise with his statesmanlike designs, who was sure to be able to sway the clergy, and who would repay his unbounded confidence with grateful and straightforward service. But he was sadly disappointed. Becket was not the man to exchange his splendid position as Chancellor for the life of an ordinary commonplace archbishop. If he undertook the office he would act up to the highest idea of its requirements. Never was there a more sudden transformation. One day he is, like Roger of Salisbury, hearing causes and framing his budget, counting out his money, or reviewing his knights; the next he is Lanfranc in miniature, or not so much Lanfranc as Anselm, or Henry of Winchester rather than Anselm;—the high ecclesiastic pure and simple, coveting the Papal legation, hand-and-glove with the Pope, full of ideas based on the canon law, which his friend Gratian had just codified in the Decretum; an unflinching and unreasoning supporter of all clerical claims, right or wrong, wholesome or unwholesome, consistent or inconsistent with his previous life and opinions.

Henry's confidence in him.

Becket becomes archbishop.

A third phase awaits him. In his new character he is pretty sure to quarrel with the king; he does so, and, however just his cause, he does it in a way that does not prejudice us in his favour; his object is studiously to put Henry in the wrong; his conduct in the last degree exasperating. The second form of clerical life has served its time.

Becket in his later phase.

Now he comes out as a candidate for martyrdom. In this also he will do what he has to do with all his might. Unmindful of the early friendship of the king, from whom certainly he had never met with anything but kindness and the most familiar courtesy, he declares that he is in danger of his life; he insists on celebrating mass at the altar of the protomartyr and on appearing at court carrying his own cross, partly as a safeguard against violence which he has no reason to apprehend, partly in an awful miserable parody of the great day of Calvary. All the rest of his career is the same—a morbid craving after the honours of martyrdom, or confessorship at the least, a crafty policy for embroiling Henry with his many enemies, combined with a plausible allegation that it is all for his good and that of the Church. There is in him some greatness of character still, some sincerity, we will hope, but no self-renunciation, no self-restraint, no earnest striving for peace; little, very little, care of the flock over which he was overseer, and which was left shepherdless.

On a calm review of his life it seems that Becket was most at home in his first position; that in the second he was ill at ease and awkward, divided between two aims and failing in conduct as well as in cause. The third phase becomes him least of all; and it is only by considering the horrible sufferings of his death that we pardon him for the conduct that brought the pains of death upon him.

Briefly to recapitulate the stages of the career of this man, to whom even his enemies allow the title of greatness: Becket was Chancellor from the accession of Henry, in 1154, to his consecration as Archbishop of Canterbury, in June 1162. The king was still in France when Theobald died. It was regarded as a somewhat unprecedented measure to make so secular a person as Thomas archbishop, but Henry's influence and his own were supreme;

he had accepted the dignity with misgiving, but having accepted he did not hesitate about the measures to be taken for securing it; the consent of the bishops and monks was readily yielded, and one who was, so far as his place of birth could make him, an Englishman, sat once more on the throne of Augustine. All difficulties were smoothed for him; he had not to go to Rome for his pall; it arrived a few weeks after his consecration; and he had six months' quiet and peace in his new dignity before the king came home.

He becomes archbishop.

This was on the 25th of January, 1163. Henry found, as was to be expected, that considerable arrears of business had accrued during his long absence. He was meditating a new expedition to Wales in order to enforce the homage due to him and his heir-apparent from the Welsh princes. The trial of Henry of Essex, who had been accused of treason and cowardice by Robert de Montfort, for letting fall the standard at the battle of Consilt, and who was to defend himself by battle, was also imminent; and already some apprehensions were felt as to the conduct of the archbishop. He had resigned, much in opposition to Henry's wishes, his office of Chancellor on his appointment as Archbishop, and had procured from the justiciar a full acquittance for all sums which he had received for the king during his tenure of office, especially the sums arising from the revenue of vacant churches, a source of royal income which was specially administered by the Chancellor. But he had not resigned the great manors of Eye and Berkhampstead, which were usually held as part of the endowment of the Chancellor; these it is possible he intended to hold only until his successor was appointed, but no successor was appointed, and the strange spectacle was seen of the Archbishop of Canterbury holding two of the finest pieces

Henry returns from France, 1163.

Becket resigns the Chancery.

of the secular patronage of the crown without any official claim to them.

In another point he also showed himself somewhat grasping, or at all events made enemies at a moment when his experience should have taught him to be more politic. Many of the old possessions of his see had come into the hands of laymen, who were negligent in performing their services, and probably wished to throw off the yoke of the archbishop altogether. In order to enforce his rights he acted in a way which, justifiable as it was, was nevertheless imprudent; the result was a royal inquest as to the archiepiscopal fiefs; and, as the archbishop was already becoming unpopular, the verdict of the jury robbed him of some rights that might otherwise have been successfully maintained. In all this, however, he had no coolness with the king. Henry felt the resignation of the Chancellorship as a personal wrong; for although in the empire, where the king looked for precedents, the office of Archchancellor was held by the three great metropolitans of Germany, Becket had followed the usage almost unbroken in England in resigning; but there was nothing like an open quarrel. The spring of the year passed without one. In March the fate of Henry of Essex was decided; he was defeated in the battle trial, and the king, greatly against his will it was said—for he believed that the fall of the standard at Consilt was accidental—was obliged by the Norman law to declare his estates forfeited. Henry of Essex retired into a monastery, and so Henry lost one of his best friends.

He enforces the feudal rights of his see.

Immediately after the king went on his second Welsh war, a sort of military demonstration marked by no great victory or defeat, and on the 1st of July called a great court at Woodstock to witness the homage of the princes. The King of Scots

Second Welsh war, 1163.

made his appearance at this council, and took the oath of fealty to the little heir to the crown, Henry, who was now eight years old. This was the first opportunity that the archbishop had of declaring his new attitude. He had been to visit the Pope, Alexander III., at Tours. The Pope was in exile from his see; the Emperor Frederick had refused to acknowledge him, and had set up an anti-Pope. Henry and Lewis, the former probably acting by Becket's advice, had in 1161 recognised Alexander as the Catholic Pope, and Tours, where he was holding the council at which Becket attended, was within the dominions of Henry. We can only suppose that the sight of the Pope kindled Becket's zeal, not so much against his own lord who was the Pope's friend, as against the secular power in general, of which he had been hitherto a devoted servant. Anyhow he came back from Tours prepared, on the first question, ecclesiastical or civil, which might arise, to take the lead of what might be called the constitutional opposition; an idea which is, for the first time since the Norman Conquest, realised in the course he now adopted.

Council at Woodstock.

As we should expect from our knowledge of later crises of the kind, the bone of contention was found in the financial budget of the year. Henry was, as usual, busy with his reforms; and, although he was an honest reformer and had a true genius for organisation, he liked best those methods of reform that helped to fill the treasury. The administration of the sheriffs was during the latter part of the reign a frequent subject of legislative ordinance, and the question which now arose was connected with it. The sheriffs had been used to collect from every hide of land in their counties two shillings annually. It was probable that out of this a fixed sum was paid to the

Becket opposes the king on a financial point.

king under the name of Danegeld; certainly the Danegeld was collected at that rate; and as the sums paid into the Exchequer under that name were very small compared with the extent of land that paid the tax, it is probable that the sheriffs paid a fixed composition, and retained the surplus as wages for their services in the execution of judicial work and police. Our authorities merely tell us that the king proposed to take away this money from the sheriffs and bring it into the general account of his revenue. Thomas opposed this; declared that the tax should not go into the king's coffers, that the sheriffs should not lose, that the lands of his Church should pay the tax no more; and he seems to have prevailed, although we have no positive record to that effect.

Two most important points stand out here. This is the first case of any express opposition being made to the king's financial dealings since the Conquest. Until now, whenever money was wanted, the royal necessities were laid before the national council, the assembly of bishops, earls, and great vassals, and others, and the method was explained by which they were to be satisfied. If he wanted to marry his daughter, or to knight his son, or to tax his towns, he said how much he wanted, and it was paid. Here, however, we find the archbishop objecting to the royal dealings with the Danegeld, and thus asserting the right of the national council to refuse as well as to bestow money. A second point is, that although ever since the reign of Ethelred, with the exception of a few years of Edward the Confessor—who had, as the legend ran, seen the devil sitting on the money-bags, and had, therefore, abolished the tax—and certainly ever since the days of the Conqueror, this odious impost had been levied, from this time it ceases to appear by this name in the

Constitutional importance of this act.

Abolition of Danegeld.

rolls of the revenue. Henry II. devised other ways of getting money, but the Danegeld appears no more; and thus the first fruit of the first constitutional opposition is the abolition of the most ancient property-tax, imposed as a bribe for the Danes. We may well imagine how angry Henry would be at this interference, coming from the man who had hitherto been his right hand in all his reforms.

The courtiers saw it, and they began to raise little suits against Becket on little matters by which they might harass him, and, like true courtiers, accelerate the fall of a falling man. Such in particular were John the Marshal, who raised a claim touching one of the archiepiscopal manors, and William of Eynesford, who claimed the patronage of one of the archbishop's livings, and was rashly excommunicated by Becket, contrary to the custom which forbade the excommunication of a tenant-in-chief of the king without the king's licence. Three months, however, passed away; and on the 1st of October the king called a great council at Westminster.

Becket's new enemies.

Council at Westminster, 1163.

In the process of his reforms he was startled by the absolute immunity accorded to the crimes of the clergy, or persons pretending to be clergymen, through the double jurisdiction of the lay and Church courts which was introduced by William the Conqueror. Any clerk who committed a crime could be demanded by his bishop from the officers of secular justice, and sentenced by him to ecclesiastical punishment, which, according to the law of William, was to be enforced by the secular arm. But, in fact, so much afraid were the bishops of any clerk being tried by the lay courts, and so jealous were the lay officers of being called on to enforce the ecclesiastical punishments, that the whole

system broke down. Thieves and murderers who called themselves clerks were demanded by the bishops and sentenced to penances and deprivation of orders, two punishments at which they could afford to laugh. Henry proposed that, when such prisoners were taken and found guilty, they should be delivered to the bishops to be spiritually punished, and then to the secular officers, to have sufficient punishment, to be hanged or blinded or imprisoned as the mild laws of the period ordered. Thomas would not hear of this—one punishment was enough for one fault; if the clergyman was a thief, and proved so to be, let him be degraded —that was enough; if he broke the law again, the law might have him, for he was after degradation entitled to the privileges of a clergyman no more. Henry grew very angry at this foolish and imprudent proposal. Such, he said, had not been the law in the time of his grandfather, the great king Henry the Elder, the lion of righteousness. He would not submit, but would enforce the ancient rights and customs of the realm as his grandfather had done. But what, it was asked, were those customs? The reign of Stephen had witnessed a total abeyance of secular law, and had listened to very extraordinary assertions of ecclesiastical right and liberty. Let the ancient customs be first ascertained, and then it would be time to say whether or no the clergy and laity could act together. Becket allowed the bishops to promise to observe these customs 'saving their order.' Henry declared that that meant nothing. The assembly was broken up in wrath. The king ordered the manors of Eye and Berkhampstead to be surrendered, and the archbishop in two or three later interviews sought in vain for a reconciliation.

Becket defends the clerical immunities.

Henry appeals to the ancient customs.

Whether in this Henry acted from passionate indignation, or because he saw that Becket had taken on him-

self the maintenance of the extreme views propounded by the canonists as to the immunity of spiritual men, we cannot now venture to determine. The breach between the two was never healed; both probably saw that it never could even be compromised. The dispute had its real basis in the difficulty of adjusting legal and spiritual relations, which even at the present day seems no nearer receiving a permanent settlement.

Henry's motives.

Soon after Christmas another court was held, at Clarendon, one of those forest palaces at which, as at Woodstock, Henry and his sons used to call the counsellors together, and diversify business with sport. It was called for the purpose of finishing the business begun at Westminster. The archbishop was asked whether he would accept the ancient customs; he declined to do it without making conditions. The king then ordered that the 'recognition of the customs' should be read. This was the report of the great committee appointed to ascertain and commit them to writing, a committee which nominally contained nearly all the bishops and barons, but which Becket declared to consist only of Richard de Lucy, the justiciar, and Jocelin de Bailleul, a French lawyer. This report was the celebrated Constitutions of Clarendon, a sort of code or concordat, in sixteen chapters, which included not merely a system of definite rules to regulate the disposal of the criminal clergy, but a method of proceeding by which all quarrels that arose between the clergy and laity might be satisfactorily heard and determined. Questions of advowsons, of disputed estates, of excommunication, the rights of the spiritual courts over laymen, and of lay courts over spiritual men, the rights of the crown in vacant churches and in the nomination to benefices, and the right of appeal

Council of Clarendon, 1164.

Constitutions of Clarendon.

in ecclesiastical causes, were all defined. No one was to carry a suit farther than the archiepiscopal court; that is, no one was to appeal to the Pope without the king's leave. Prelates and parsons were not to quit the kingdom without licence. The sons of rustics or villeins were not to be ordained without leave of the lords on whose lands they were born. Many similar customs were recorded, which show that Henry had determined to set the jurisprudence of the kingdom, as touching laymen and clergy alike, on a just and equal basis; no unfairness towards the spiritual estate was intended, but simply the extinction or restriction of the immunities, the existence of which threw the whole system into disorder. An appeal to Rome must not be allowed to paralyse the whole ecclesiastical jurisdiction, any more than an assertion that the murderer or the murdered man—for the immunity told both ways—was a clerk, should be allowed to ensure the escape and impunity of the murderer. Becket was perhaps, at the first sight of these Constitutions, inclined or, as he would have said, tempted to yield. He accepted the Constitutions. Almost as soon as he had done so he drew back; either he recalled his concession or refused to set his seal to the acceptance, or in some way recanted. We have no entirely trustworthy evidence; but it would seem he declared that he had sinned, that he would go to Rome, that he would resign his see, that he would not act as archbishop without first receiving special absolution.

Becket's conduct.

All this had no other effect than to exasperate Henry the more, and to encourage the rapidly increasing crowd of Becket's enemies. Unfortunately we have no details for the next six months, save that the archbishop once or twice saw the king in vain. In October 1164, at Northampton, the cloud finally broke. Becket's enemies saw their way to crush

Council of Northampton, 1164.

him altogether, and Henry yielded to them. The council was formally summoned; all the persons who held of the king directly—that is, who were subject to no lord coming between them and the king—were duly invited; the greater barons probably, as had been usual under Henry I., and, as the Great Charter afterwards enjoined, by special letters; the minor ones by a general summons made known through the sheriff in each shire. It was to the archbishop that the first letter of summons ought by ancient rule to have been directed. Instead of that he received a writ through the Sheriff of Kent ordering him to present himself at Northampton to answer the complaint of John the Marshal.

Summons of Becket.

However informal this was, Becket complied, rather than by absenting himself from the court to leave his cause in hands which he could not trust. He attended, and was overwhelmed. First he was sentenced to pay 500 marks to John the Marshal, who was declared to have proved his claim against him. Then he was called on to present the accounts of the Chancery, of which he had been acquitted by a general discharge when he became archbishop. He now put on the aspect of a martyr, and declared himself ready to die for the rights of his Church. Henry and his agents declared that it was the person, not the prelate, who was aimed at; that they were not assailing the rights of the Church but vindicating the laws of the land. The bishops advised unconditional submission, which would, no doubt have been the wisest course, for it would have disarmed the king without conceding any matter of principle; for Henry was not the man to make an extreme use of victory, and might still perhaps have been induced to act with moderation. Instead of this, as Henry grew more peremptory Thomas grew more provoking; at last he declared himself really in danger, turned and fled.

His trial.

He went off in disguise from Northampton, and, after several trying adventures, landed in Flanders, whence he made his way to join the pope at Sens, and thence to Pontigny. His flight.

It would be a tedious task to trace the minute circumstances of Becket's life during the next six years; they are somewhat obscure, and the large number of undated letters of the period makes even the sequence of the main events puzzling. The upshot of the story is briefly this:—At Pontigny Becket remained until Henry threatened the whole Cistercian body if they did not expel him; in consequence of that he threw himself on the friendship of Lewis VII., who appointed as his resting-place the abbey of St. Colombe, at Sens. There he remained, making occasional journeys on his own business, until he returned to Canterbury in 1170. Whilst at Pontigny and Sens he acted up to his new character—wore a hair shirt, practised great mortifications, and behaved as if he believed himself to be undergoing a sort of modified martyrdom. All the time he was bringing all the influence which he had to bear upon Lewis VII., the Counts of Champagne and Flanders, and other potentates, to induce them to take up his cause, and either by urging the Pope to extreme measures, or by direct negotiation with Henry, to procure his honourable recall. The Pope would have given anything for peace and quietness, but he could not afford to alienate Henry so long as he was on bad terms with the Emperor. He sent commissions and legations to Normandy, of which Henry disposed either by promises or by plausible professions of his own goodwill, or by substantial presents of the strongest of all the powers of silence, a handsome sum of gold. Had he rested here he might have been forgiven. But unfortunately for his own credit he determined to persecute His exile.

the archbishop in the person of his relations, and by a cruel edict sent many inoffensive families, who were connected with Thomas, into exile. Then Becket answered with excommunication, including in his ban all the king's closest counsellors, some of whom had very little to do with the proceedings against him. From time to time Becket saw the king, under the wing of Lewis VII.; once at Montmirail, in January 1169, once at Montmartre, in November of the same year. In each case either Henry was hypocritical or Becket offensive: we cannot decide. At length a new point of quarrel brought about a reconciliation, and the reconciliation immediately resulted in Becket's death.

Henry's cruel measures.

Before ending the story we may briefly recapitulate the chief events of these years, outside the Becket struggle. In the year 1165, that succeeding the archbishop's flight from Northampton, Henry paid a short visit to Normandy, and received a proposal from Frederick I. for a couple of marriages, a close league of alliance, and a joint action against the Pope, who was supposed to be abetting Becket. The only result of this was the marriage of Henry's eldest daughter, Matilda, with Henry the Lion, Duke of Saxony and Bavaria, at this moment Frederick's most intimate friend and kinsman, later on his enemy and victim. Neither Henry nor England could be persuaded to accept the anti-Pope, but the temporising action of the king's agents in Germany gave Becket an opportunity of involving all alike in a charge of heresy and apostasy.

Henry's proceedings during the quarrel.

Alliance with Germany.

After his return to England, later in the year, Henry made his third Welsh expedition, which had no more permanent effect than the former ones, as an attempt either to subdue the country or to secure the peace of the borders. It was

Third Welsh war, 1165.

carried out with an amount of cruelty which shows Henry's character to have already deteriorated. After his return he held, early in 1166, another council at Clarendon, also marked by an important act of legislation, the Assize of Clarendon, by which the criminal law was reformed, and the grand jury system established or reformed in every shire.

Assize of Clarendon, 1166.

As soon as this was done he went to Normandy, in March 1166, and stayed away until March 1170. During this time little or nothing but the ordinary business of justice and taxation is recorded in English authorities. The Becket quarrel was the all-engrossing subject, the sole question of public interest. Abroad the view is only diversified by negotiation and border warfare with Lewis VII., and by the carrying out of Henry's plan for securing possession of Brittany by the marriage of his third son, Geoffrey, with the heiress of the count. Having spent nearly four years in this way he returned, in order to look after business at home, and in particular to see his eldest son, who was fifteen, crowned as his associate and successor in the kingdom. The importance of the former acts comes into prominence in the later history of the reign. The coronation was the first of a series of events which sealed Becket's fate. It was solemnised on the 14th of June, at Westminster. The Archbishop of York, Roger of Pont l'Evêque, an old rival of Thomas Becket, placed the crown on the boy's head, in contravention of the right of Canterbury, and in the absence of the little Queen Margaret. Lewis was exasperated by this act of neglect or disrespect shown to his daughter; Becket was maddened by the contempt shown for his authority. The storm began to rage; Lewis went to war; Thomas, and the counts whom he made his friends, besieged the Pope with prayers, and at last he sent or promised to send a definitive legation

Long visit to France.

Coronation of the young Henry, 1170.

to place Henry's dominions under interdict, and compel him to recall the archbishop.

Then Henry gave way. Crossing to Normandy a few days after the coronation, he met Becket at Freteval in July, and there consented to the return of his great enemy. Three months, however, intervened before Becket started for home, and during the time he had several meetings with the king, in which he behaved, or his behaviour was interpreted, in a way very prejudicial to his reputation for sincerity. At last he reached England, early in December, and as soon as he landed began to excommunicate the bishops who had crowned the boy Henry. At London and at Canterbury he was received with delight. Henry had become unpopular: the archbishop's popularity had been increased by his absence, and the multitude does occasionally sympathise with a man who has been oppressed. The news of his rash, intemperate conduct reached Henry at court, at Bur, near Bayeux, where he had established himself after a very severe illness in the autumn. In high passion the king spoke works which he would have recalled at once, but which laid on him a lifelong burden: 'Would all his servants stand by and see him thus defied by one whom he had himself raised from poverty to wealth and power? Would no one rid him of the troublesome clerk?'

Reconciliation of Henry and Becket.

Becket's return.

Henry's rash words.

Armed by no public grievance, moved by no loyal zeal, but simply private enemies who saw their way to revenge and impunity, Reginald FitzUrse, Hugh de Morville, Richard Brito, and William de Tracy, came to Canterbury, sought out the archbishop, and slew him. The cruelty on the one side, the heroism on the other—the savage barbarity of the desperate men, the strange passionate violence of

Murder of Becket, Dec. 29, 1170.

the would-be martyr, finding at the last that he could not place a curb on his words or temper, even when he was, as he may be truly believed to have been, offering up his life for his Church—forms a sad but a thrice-told tale.

Becket died on the 29th of December, 1170, and for 350 years and more that day was kept in the Church of England as one of the chief festivals after Easter, Whitsuntide, and Christmas. It is no small proof of the strength of character which certainly marks Becket throughout his versatile career, that he should have made so deep an impression not only on England but on Christendom. Although some allowance must be made for the influence of superstition, and doubtless of imposture also, in the spread of the honour paid to him so widely, even such superstitions could not have gathered round one whose reputation was a mere figment of monks and legend-writers. He was undoubtedly recognised as the champion of a great cause which was then believed to need championship, and which through the greatness of the need served to excuse even such championship as it found in him. But whatever were the cause which he was maintaining, he had some part of the glory that belongs to all who vindicate liberty, to all who uphold weakness against overwhelming strength.

The true glory of Becket.

And in this view of him, in which Englishmen may have regarded him as the one man able and daring to beard the mighty king whom the memory of his forefathers had clothed with enhanced terrors, and whose designs for their good they were too ignorant to appreciate, Continental Christendom saw him the champion of the papacy as against the secular power. Later generations under the recoil of the Reformation viewed him merely as a traitor, and his cultus as an organised imposture.

More calmly regarded—as now perhaps we may afford to regard him—he appears, as we have described him, a strong, impulsive man, the strength of whose will is out of all proportion to the depth of his character, with little self-restraint, little self-knowledge, no statesmanlike insight, and yet too much love of intrigue and craft. He is not a constructive reformer in the Church; in the state he is obstructive and exasperating. Even on the estimate of his friends he does not come within the first rank of great men. The cause for which he fought was not the cause for which he fell, and the cause of liberty, which to some extent benefited by his struggle, was not the actual cause for which he was consciously fighting. He appears small indeed by the side of Anselm, who knew well how to distinguish between the real and factitious importance of the claims which he made or resisted; small indeed by the side of his successor, St. Edmund, who, brave as Thomas himself was to declare the right, chose the part of the peace-maker rather than that of the combatant and recognised the glory of suffering patiently. Yet the world's gratitude has often been abundantly shown to men who deserved it less.

CHAPTER V.

THE LATTER YEARS OF HENRY II.

Continued reforms — Revolt of 1173-1174 — Renewed industry of Henry—His later years—Quarrel with Richard—Fall and death.

IT is one of the most distinct marks of Henry's mind, that whatever pressure his most engrossing employments put upon him, he never for a moment gave up the task of developing the great legal reforms with which he began his reign. Even at the siege of Bridgenorth, in 1155, he had lent an ear to the

Henry's perseverance in reform.

suit of the monks of Battle; in the very thick of the Becket struggle he was busily employed in reforming the criminal law and introducing or expanding the system of presentment by grand jury. The same purpose is constantly maintained, and every great and famous exploit of his adventurous life may be matched with some measure of practical reform, some step in the progress of a policy by which his people were to be made safer and his own power consequently to be made stronger. Throughout the whole reign there may be traced a constant and progressive policy of taking power out of the hands of the great vassals of the crown, of entrusting power to the great body of the free men of the nation, and of consolidating the royal authority by employing the people in the maintenance of law. The blow struck at the military power of feudalism by the institution of scutage, the commutation of personal service in the field for a money payment, was one of the first of his distinctive measures. The judicial power of the same body he limited, quite as much, by the mission of itinerant judges throughout the country to hear the suits of the people and to punish criminals. These visitations had been practised under Henry I.; they were restored by Henry II. at the beginning of the reign. These officers were employed not only for the trial of prisoners and determination of lawsuits, but for the assessment and collection of revenue. When the national council had decreed a tax, the itinerant judges, as Barons of the Exchequer, travelled through the land, fixing the payments to be made by the towns or by individuals. It was not a very difficult business, for as all the revenue was raised from the land and the land remained divided in much the same proportions as it was in the Domesday Book, that famous record became, as it were, the rate-book of the

The political object of it.

Itinerant justices.

Fiscal work.

country; every landowner could refer to it, to see what was the valuation of his property, and be taxed accordingly. Only the towns, therefore, which had grown in wealth and number since the time of the Conqueror's survey, would have occasion for debating with the judges how much they would have to pay. Almost every year of Henry's reign we find these officers making their circuits, which are the historical origin of the circuits of the Judges of Assize in the present day. Sometimes, in the earlier part of the reign, one or two go over the whole country; sometimes six circuits are made, each managed by three judges; sometimes four circuits of four, or two circuits of five or more. The chief epochs of this development are these: the year 1166, when the Assize of Clarendon was published; the year 1176, when six circuits of three justices did the work, under a revised form of the Assize of Clarendon, issued at Northampton; and the year 1179, when Henry reformed the central as well as the provincial tribunals.

Circuits of judges.

Of the effects of this system one, the abatement of the power of the feudal courts of justice by forcing them under royal jurisdiction, has been noticed already. A second was the training of the people generally, through the use of juries which were employed both for legal and fiscal business; they thus learned to manage their own affairs and to keep up an intelligent interest in legislation and political business. A third was, to limit the power of the sheriffs, who being the sole royal representatives in the shires, judicial, military, and fiscal, had great chances of exercising irresponsible tyranny, of which the books of the time contain many complaints. Besides the visitations of the judges Henry from time to time used still stronger measures of remedy or precaution against the oppressions of the sheriffs. In 1170 he turned them all out of office and

Training of the people in self-government.

held a very strict inquiry into the amount of money they had received, filling up their places with servants and officers of his own court, by whose action the local government would be placed in more direct relation to the central.

Nor were these labours solely directed to the reform of provincial jurisdiction. Henry II. reformed also the supreme court of justice, which was supposed to emanate from his own person and household, and established a distinct staff of well-instructed lawyers to hear the suits that were sent up for his royal decision. These men he found it hard work to manage, and once in 1178 he swept them all away as summarily as he had done the sheriffs in 1170. Sometimes he employed clerks, sometimes knights, sometimes prelates, in the office of judge, with unequal success, but with a never-faltering purpose of securing easy justice. Central judicature.

In the same way he varied the taxes, from year to year, not allowing the same interest to be oppressed with continual imposts, but taking now a tallage from the towns, now a scutage or an aid from the landowners or knightly body; and on the occasion of the Crusade, in 1184 and 1188, calling for a contribution from personal property, a fixed proportion or a tithe of goods for the war against Saladin. Variety in taxation.

In order finally to secure the defence of the country and to have a force on which he could depend for the maintenance of peace and order, he armed the whole free population, or ordered them to provide arms, according to a fixed scale, proportioned to their substance. Thus he restored the ancient Anglo-Saxon militia system, and supplied the requisite counterbalance to the military power of the great feudatories, which, notwithstanding the temptation to avoid service by payment of scutage, they were still able and too Military system.

willing to maintain. In all these measures we may trace one main object, the strengthening of the royal power, and one main means or directing principle, the doing so by increasing the safety and security of the people. Whatever was done to help the people served to reduce the power of the great feudal baronage; to disarm their forces, to abolish their jurisdictions, to diminish their chances of tyranny. Now all this could not but make Henry very much disliked by the great nobles. The people of course were slow to see the benefit of the reforms, but the barons were quick enough at detecting the measures taken to humiliate and reduce them; so, before Henry gained the affection of the people, he had to encounter the hostility of the barons.

This hostility had been growing for a long time, awaiting the opportunity of breaking out into open revolt. Such an opportunity the shock which followed the death of Becket gave it; and the very same measure taken by Henry, which in its results caused the death of Becket, gave a head and a direction, nominally at least, to the outbreak. This measure was the coronation of the boy Henry in 1170. The idea of having the heir-apparent crowned in his father's lifetime was not familiar to the English or Normans; the royal succession still retained so much of the elective character that it would perhaps have been regarded as an unconstitutional measure, thus violently and without option to determine the succession irrevocably before the vacancy occurred. Much of the interest of the reigns of William Rufus and Henry I. turns upon this question. William the Conqueror and William Rufus both left the succession undetermined; hence arose the rebellions of the reign of the Red King and the early struggles of Henry I. The measures by which he

Coronation of the heir, 1170.

Foreign custom of designating the successor to the crown.

had done everything in his power to secure and settle it had ended in the anarchy under Stephen. But in France and Germany this experiment, now tried for securing the hereditary succession, was familiar; almost every one of the kings who followed Hugh Capet had had his son crowned in his lifetime; and in Germany since the very beginning of the Karolingian empire such cases had been frequent. Frederick Barbarossa at this very moment was working for the succession of his own son; and the introduction of a second or inchoate partner in sovereignty, under the name of King of the Romans, became later on a part of the ordinary machinery of the empire. It is possible that Henry II. had this object solely and simply in view; but another theory is conceivable.

Henry's political object in this.

Henry well knew by what very discordant nationalities his states were peopled; and he entertained the idea of dividing his dominions among his sons at his death. To Richard, the second son, as his mother's heir, Aquitaine and Poictou were already given; for Geoffrey he had obtained the succession to the duchy of Brittany, and he was thinking of Ireland to be conquered for a kingdom for John. Henry, the eldest son, would of course have his father's inheritance, England, Normandy, and Anjou. Such a division the king actually made, when in the autumn of 1170 he believed himself to be at the point of death; and he brought up his sons among the people they were to rule, Henry among the Normans, Richard among the Poictevins. It would be still a question whether the elder brother should govern the family estates, as had been the case in the early Karolingian empire, his brethren owning his feudal superiority; or whether each should possess his provinces in sovereignty subject only to the already existing feudal claims.

However, when Henry began, as early as 1160, to

broach the subject of his son's coronation he was only twenty-seven years old, and probably thought more of securing the allegiance and attachment of the English for the child, than of the chances which might follow his own death; and later on we find him anxious to abridge the tedious parts of the royal duties by sharing them with the heir, although he never would part with one iota of the substance of power. Hence, then, the coronation of Henry the younger in 1170, the anger of Lewis VII. because his daughter was not also crowned, and the quarrel among the bishops which caused Becket's death.

Henry applies to the Pope on Becket's death.

Henry—for we must now return to the direct string of the story—was momentarily paralysed at the news of the martyrdom. He saw how the blame was sure to fall upon him, and how all his enemies would sooner or later take the opportunity to overwhelm him. Immediately, therefore, he sent envoys to Rome to promise any terms whatever for acquittal or absolution. Whilst this negotiation was pending, knowing that the legates, for whom Lewis, before the death of Becket, had applied, were on their way to Normandy, and would not scruple to exert the utmost of their power against him, he organised an expedition to Ireland, which for the last sixteen years had been his by papal grant, and for the last four had been undergoing the process of conquest in the hands of Richard de Clare, surnamed Strongbow. In Ireland he stayed from the autumn of 1171 to the Easter of 1172, receiving the submission of kings and bishops, and really keeping out of the way of the hostile legates: awaiting the arrival of the friendly legates who were coming to absolve him.

Expedition to Ireland, 1171.

Now, no doubt it appears strange that the Court of Rome should at this same moment be pouring out both sweet water and bitter; that the supreme judge on earth

should send forth a legation to put Henry's dominions under interdict for one act and directly after send another to absolve him for what seems a more heinous one. It must, however, be remembered that in this the papal court was rather acting as a great tribunal of international arbitration than as the council of a Christian bishop. The Court of Rome was a great legal machine, the disadvantages of which are manifest at first sight, but the benefit of which in a warlike age can scarcely be overrated, although less obvious at a glance. A very severe judgment may perhaps be allowable, as to the assumptions and arrogance and unrighteousness of the papacy in taking the office of international arbitration; but judged by its results it was for the time a great public benefit, for it stopped and hindered the constant appeals to war. Thus viewed the Court of Rome was as open for suitors as any simple court of justice: an applicant who wanted legal redress applied for a commission of inquiry or a legation. In so doing he brought the usual means to bear on the papal officials, who no doubt found it to their interest to keep their minds always open, to hear both sides, and to keep their purses also open to receive the contributions of all sides in each suit, and thus maintain the wealth and power of the court itself. It is not to be denied that, however arrived at, the decisions ultimately given were in most cases fair and just.

Character of the Court of Rome.

Henry, then, on this occasion eluded one legation and welcomed another. In 1172 he met the friendly cardinals at Avranches, took all the oaths they proposed, renounced the Constitutions of Clarendon, purged himself of the guilt of Becket's death, declared his adherence to Alexander III., as Catholic Pope, in refutation of the statement that he had acknowledged the anti-Pope, and received full abso-

Henry's penitence and absolution, 1172.

lution. He then, by way of general pacification, had his son re-crowned and his wife crowned with him, and went down to the South of France to make a lasting peace with the Count of Toulouse, and to bargain for the marriage of John with the heiress of the county of Maurienne and Savoy.

Second coronation of the heir.

The storm seemed to have blown over; unfortunately the lull preceded the great outbreak. Strange to say, the immediate occasion for the strife was the little boy John, the five-year-old bridegroom. All his great enemies Henry had silenced; Lewis had got his daughter crowned, the Pope was pacified, the barons were secured by the strength of the home government, the Scots were humble and obliging, all the sons were friends. The little child who in the end broke his heart was already a stumbling-block. The Count of Maurienne naturally asked what provision was to be made by Henry for his son's marriage. Henry found himself obliged to ask his elder sons to give up for their brother some few castles out of their promised shares of his dominions. The eldest son refused; he would give up nothing; he had got nothing by being crowned, he was not trusted to go about alone; let the king give him some real power, England or Normandy, then he might have something that he could give up. The ill-conditioned lad nursed his grievance, and, early in the spring of 1173, fled from his father's court and threw himself into the arms of Lewis. Queen Eleanor too, whose influence with her husband was lessened by her misguidance of her children, and by the evil habits which Henry himself had contracted during the Becket quarrel, used all her influence to increase the breach in her family. She intrigued with her first husband against her second, and brought even Richard into the list of his father's enemies.

Quarrel of the two Henrys.

Thus, then, early in 1173 a head was provided for a great confederation of French lords and English barons, actively aided by Lewis of France, Philip of Flanders, the Counts of Champagne and the King of Scots, William the Lion, who had succeeded Malcolm IV. in 1165. The younger Henry, liberal in promises, proposed to reward with vast English estates the men who were to help in renewing the glories of the Conquest. And the great English earls, Chester, Leicester, and Norfolk, were bent on reviving the feudal influence which Henry's reforms had so weakened. These earls were mighty men on both sides of the Channel: the Norman quarrel could be fought in England as well as in Normandy, Anjou, and Poictou. Measures were contrived at Paris for a universal rising. And the success of the design seemed at first almost certain. Henry had a large force of Brabançon mercenaries about him, but scarcely any other force on which he could depend at all.

Great league against Henry, 1173.

The war began by a Flemish invasion of Normandy; then the Earl of Chester raised Brittany against the king; then the Poictevins rose in arms. From France the torch was handed to England. William the Lion, with a half-barbarian army, began a devastating march southward; the Earl of Leicester landed a great force of Flemings in Norfolk; the Earl Ferrers of Derby fortified his castles in the midland counties; old Hugh Bigot of Norfolk, who had sworn the disinheritance of Matilda in 1135, garrisoned his castles—all England was in an uproar. The old justiciar, the king's lieutenant, Richard de Lucy, was bewildered; and the great Bishop of Durham, Hugh de Puiset, King Stephen's nephew, began to play a double game, negotiating with the Scots, and allowing the landing of Flemish mercenaries, to be used at discretion.

War begins.

Two influences, however, turned the scale against this overwhelming preponderance of treachery and force—

Henry's success.

Henry's wonderful energy, which his contemporaries called supernatural good luck, and the faithfulness of the English people, who now, when the crucial test was applied to them, amply repaid the many years of culture spent upon them. Henry had been taken by surprise by the general onset; and, unwilling to believe in the ingratitude of his boys, he at first was slow to move against them; but he showed extraordinary promptness when he saw the state of affairs and had made up his mind how to act. Having put Lewis VII. to ignominious flight at Conches, he rushed down upon Dol, in Brittany, where he captured the Earl of Chester and the chief Breton and Angevin rebels; and during the autumn of 1173, before the worst news from England arrived, he had captured one after the other the nests of rebellion in Maine. At Christmas he concluded a three months' truce with Lewis and undertook the pacification of Poictou, which employed him until the next summer, fretting and chafing against the detention which kept him away from England.

In France.

In England matters had gone on more slowly, owing to the unprepared state of the ministry and the general feeling of apprehension and mistrust. There, however, Henry had some men on whom he could depend: Richard de Lucy the justiciar; Ranulf Glanvill, the great lawyer, who was rising into the first rank as a minister; Reginald Earl of Cornwall, the king's uncle; the Earl of Arundel, husband of Queen Adeliza, widow of Henry I., and others connected with the royal house. These men had insufficient forces at their disposal, and were at first unable to decide whether the Scots in the North, or the Earl of Leicester in the East,

War in England.

or the midland revolt under Earl Ferrers, was the most formidable. At last, having made up their minds to make a truce with the Scots, they moved upon Norfolk, and defeated the earls in October, at Fornham St. Geneviève. There they took prisoners the Earl of Leicester and his wife, the great Lady Petronilla, whose comprehensive soul embodied all the spite and arrogance and vindictiveness of the oligarchy of the Conquest. She, as heiress of Grantmesnil, had brought a great inheritance to her husband, the degenerate heir of the faithful Beaumonts; for the Leicester Beaumonts were the only house which since the Conquest had been uniformly faithful to the Conqueror and his heirs. This great success enabled Henry to remain in Poictou during the winter and spring of 1174, and allowed the ministers to concentrate their force against the Scots. The people rose against the feudal party, and a brisk struggle was kept up in the interior of the country until the summer. William the Lion spent his time in securing the border castles, seeking his own ends, instead of pressing southwards, and so doing his part to overturn Henry's throne. At last, early in July 1174, he was surprised and taken prisoner at Alnwick by the host of Yorkshire men and the loyal barons.

Capture of William the Lion.

Just at the same moment Henry had crossed from Normandy with his Brabançons, and made a pilgrimage to Becket's grave. His triumph was now regarded as a token of Divine forgiveness. He marched at once into Norfolk, where he received the submission of the Bigots and the Mowbrays, the latter of whom had been overcome by the king's natural son, Geoffrey, now bishop elect of Lincoln, and afterwards so well known as Archbishop of York. All his foes were now at his feet; the King of Scots and the two great earls were prisoners; the rest entirely humiliated.

Henry's arrival in England, 1174.

In less than a month from his landing he was able to go back to Normandy.

End of the war.

The French war came to an end on the collapse of the English rebellion, and in the month of September all Henry's dominions were at rest, his children reconciled, even the King of France admitted to peace.

And now we have true evidence of Henry's real greatness in policy and spirit, notwithstanding his provocations and the changed strain of his character and temper. He shed no blood, he took no ransoms, he condemned to destitution not one of the leaders of the rebellion; he laid his hands for a few years on their estates, but even these were shortly restored, and no man was disinherited by way of punishment. But he pulled down their castles. The nests of feudal tyranny and insubordination he not merely dismantled, but in some cases destroyed so utterly as to leave not one stone upon another, that they might be no more the beginning or the temptation to such a design. Against the Scots his hand was very heavy; he insisted on abject submission. Before he would release the king from his captivity he insisted that he should do homage, acknowledging the supremacy of his crown over the Scottish crown, and of the English Church over the Scottish. The Scottish barons must become his men; the Scottish bishops must declare their obedient subjection to the English Church; and the castles of the Lowlands must be retained in the hands of men whom he should place there with English garrisons. This humiliating negotiation, concluded at Falaise before William's liberation, was confirmed at York in the following August. From this time, until Richard I. sold back to William the Lion the rights that he had lost, Scotland was subject to the English king as overlord, and her

Submission of Scotland, 1175.

king as king was our king's vassal. The Church, however, escaped subjection, because the archbishops of Canterbury and York could not agree which should rule her, and before their quarrel was ended the Pope stepped in and declared the Scottish Church the immediate care and peculiar daughter of the Roman see. Besides this, the half-independent prince of Galloway was compelled to acknowledge himself a vassal of both the kings.

So completely was the authority of Henry II. re-established by the peace of 1174, that we are almost tempted to underrate the importance of the elements that had been arrayed against him. It was not, however, in the want of strength and spirit that the confederation against him failed; the kings of France and Scotland, the counts of Champagne, Boulogne, and Flanders, the earls of Chester, Leicester, Norfolk, and Derby, his own sons and his own wife, were united in their hostility. The religious feeling of the nation, which since the death of Becket had to a remarkable degree realised or rather exaggerated his merits as a statesman and a churchman, was used as a weapon against him. Every interest that he had injured, or that had suffered in the process of his reforms, was made to take its part. Yet all failed. They failed partly, no doubt, because they had really no common cry, no common cause. They had many grievances and a good opportunity; but all their several aims were selfish; their plan, so far as they had one, destructive not constructive; their leaders unwilling to sacrifice or risk anything of their own, greedy to grasp what belonged of right to the king, the nation, or even to their own fellows. They fought one by one against a prompt, clear-headed, accomplished warrior, and they were beaten one by one; not, however, without a very considerable intermingling of what is ordinarily called good fortune on the king's side.

Importance of this struggle.

Thus Henry in the twentieth year of his reign was more powerful by far than when, at the beginning of it, the desire and darling of the whole people, he brought back peace and light and liberty after the evil days.

Henry resumes his schemes.

The general line of policy which Henry had hitherto pursued he took up almost at the identical point at which it had been interrupted by the rebellion; but instead of seeking for John a provision on the Continent, he determined to find him a wife and an endowment in England, and, when he should be old enough, to make him king of Ireland. With this idea he arranged for him, in 1176, a marriage with Hawisia, the daughter of William Earl of Gloucester, his cousin; and the next year, in a great assembly at Oxford, he divided the still unconquered provinces of Ireland into great fiefs, the receivers of which took the oath of fealty, not only to himself, but to John as their future king. The Pope also was canvassed as to the erection of Ireland into a kingdom and the coronation of John. The same year Johanna, the king's youngest daughter, was married with very great pomp to the young king William the Good, as he is called, of Sicily, a prince who had an unbounded admiration for his father-in-law, and would have settled the reversion of his kingdoms upon him if Henry had accepted the offer. Eleanor, the second daughter, was already married to Alfonso, King of Castille, who in 1177 referred to the judgment of Henry a great lawsuit between himself and his kinsman the King of Navarre. This arbitration not only illustrates the estimation in which Henry after his great victory was held on the Continent, but shows us also how he deliberated with his councillors. He held a very great court of bishops and superior clergy, of barons and other tenants-in-chief, on the occasion; the arguments of the parties

Provision made for John.

Marriages of the king's daughters.

were laid before them, and, in conformity with their advice asked and given, the judgment was delivered.

The two or three years that followed the rebellion were the period of Henry's longest stay in England. He came in April 1175, and stayed until August 1177; after a year spent in Normandy and Anjou he returned in 1178, and stayed until the end of June 1180; after which, although he paid several long visits to England, his absences were much longer. These years were periods of great activity in political matters. The number of councils that he held, the variety of public business that he despatched in them, the series of changes intended to promote the speedy attainment of justice, the unfailing purpose which he showed of fulfilling the pledge which in his early days he had given to his people, all these come out in the simple details of the historian with remarkable fulness. Henry was not at this time, or ever after, a happy man; his son Henry, nominally reconciled, was constantly intriguing against him with his father-in-law, Lewis, and the discontented lords of the foreign dominion. He took up the part of an advocate of local rights and privileges, and headed confederations against his father, and against his brother Richard as the oppressor of the barons of Poictou. He complained that his father treated him meanly, not giving enough money, and jealously refusing him his share of power. The father treated him generously and patiently, but he could not trust him, and did not pretend to do so.

Visits to England.

Intrigues of the younger Henry.

Queen Eleanor, too, was now imprisoned, or sequestered from her husband in honourable captivity. This great lady, who deserves to be treated with more honour and respect than she has generally met with, had behaved very ill to her husband in the matter of the rebellion; and, although he occasion-

Queen Eleanor.

ally indulged her with the show of royal pomp and power, he never released her from confinement or forgave her. She was a very able woman, of great tact and experience, and still greater ambition; a most important adviser whilst she continued to support her husband, a most dangerous enemy when in opposition. Her political intrigues in the East, when she accompanied her first husband on the Crusade, had made him contemptible, and that Lewis never forgave her. But her second husband was made of sterner stuff. He took and kept the upper hand; it was only after his death that Eleanor's real powers found room for play; and had it not been for her governing skill while Richard was in Palestine, and her influence on the Continent during the early years of John, England would have been a prey to anarchy, and Normandy lost to the house of Anjou long before it was.

The quarrel with his wife and the mistrust of his children threw the king under very evil influences, although as a king he tried hard to do his duty; and they sowed the seed of later difficulties which at last overwhelmed him. The internal history of these years is occupied with the judicial and financial doings which have been sketched in the early pages of this chapter; outside there was peace, except in Poictou, where Richard was learning the art of war, winning his first laurels and making his worst and most obstinate enemies.

In 1180 the long strife and jealousy between Henry II. and Lewis VII. came to an end. The weak and unprincipled King of France, after resigning his crown to his son Philip, a boy of sixteen, retired into a convent and died. Philip inherited all his hatred of Henry, although he was better able to appreciate his wisdom, and showed in his early years a desire to have him as a political adviser and instructor. He inherited, too, all his father's falseness,

Accession of Philip II., 1179.

craft, and dishonesty, but not his morbid conscience nor his irresoluteness. Without being so great a coward as his father, Philip was yet a long way from being a brave man, and loses much by his juxtaposition with Richard and even with John in that respect. But he was very unscrupulous, very pertinacious, and in result very successful, outliving all his rivals, and leaving his kingdom immensely stronger than it was when he succeeded to it. In the domestic quarrels of his early years, with his stepmother and the counts of Champagne, he availed himself of the advice of Henry, which was given honestly and effectually; but, after Henry's quarrels with his sons began again, Philip saw his way clearly enough to the humiliation of the rival house; and he took too sure and too fatal advantage of his opportunity.

There is no need to dwell on the events of 1181 and 1182; the chief mark of the former year is that assize of arms which has been already mentioned. In 1182 the king was a good deal in Poictou. England was governed now, and chiefly for the rest of the reign, by Ranulf Glanvill, the chief justiciar, who in 1180 or 1179 had succeeded to Richard de Lucy. The country was quiet; so quiet, that when the troubles began on the Continent not a hand or foot in England stirred against the king. English history during these and the following years is a simple record of steady growth; all interest, personal and political, centres in the king.

The year 1183 begins with a new phase. The young king had of late shown himself somewhat more dutiful. His father was now in his fiftieth year, and that was for the kings of those days a somewhat advanced maturity. The heir seemed to have learned that he might, as he must, bide his time. The arrangement which was to provide for the continued cohesion of the family estates was as yet uncompleted.

Second revolt of the young king.

Henry urged that the younger brothers should all do homage and swear fealty to the elder. Richard was with some difficulty prevailed on to do this; but almost as soon as it was done Henry took advantage of the discontent of the Poictevins, quarrelled with Richard about the custody of a petty castle, and headed a war party against him. Their father, who at first perhaps had intended that Henry should be allowed to enforce his superiority, soon saw that it was his bounden duty to maintain the cause of Richard. Geoffrey of Brittany joined his eldest brother. Whilst Richard and his father besieged Limoges, Henry and Geoffrey allowed their archers to shoot at their father; they ill-treated his messengers, drove him to desperation, and became desperate themselves. The younger Henry, after feigning reconciliations, and more than once cruelly and hypocritically deserting his father, tried to recruit his resources by plundering the rich shrines of the Aquitanian saints. The age saw in his fate speedy vengeance for his impiety, his own evil conscience found perhaps in his behaviour to his father a still greater burden. Before Limoges was taken, the wretched man—for at eight-and-twenty he was a boy no more—sickened and died at Martel, and left no issue. He passed away like foam on the water, no man regretting him; lamented only as his father's enemy, and by that father who, with all his faults and his mismanagement, loved his sons far more than they deserved.

His death, 1183.

The death of the heir threw upon Richard the right, so far as it could be regarded as a right, of succession; it reopened also the question about the portion of Queen Margaret, the castles of the Vexin which Henry had so craftily got into his hands in consequence of the marriage. These castles he refused to restore to the King of France. Richard's claim

Distrust of Richard.

to the fealty of the barons he could not allow to be recognised, lest Richard should attempt to play against him the part which his elder brother had played. He wished also that the Aquitanian heritage should be made over to John, especially after the death of Geoffrey of Brittany, which occurred in 1186, no right of succession being allowed to the baby Arthur, born after his father's death. Hence there were constant feuds and difficulties, mainly, however, on the French side of the Channel, Philip fomenting the family discord.

Death of Geoffrey.

The threatening condition of Palestine long averted open war. Henry was the head of the house of Anjou, from which the Frank kings of Jerusalem, descended from Fulk, his grandfather, drew their origin. Baldwin the Leper, the son of King Amalric the conqueror of Egyptian Babylon, was waging a very unequal fight against Saladin, Sultan of Egypt and Syria. It was a brilliant struggle, but against fearful odds. A prey to a sickness which physically disabled him, weakened by the divisions of a court speculating already on his death and the break-up of the kingdom; at the head of an aristocratic body which had in a single century learned all the vices and none of the virtues of the East; with the knightly orders quarrelling with one another; with the barons of the kingdom playing the part of traitors, the princes of the confederation leaguing with Saladin, and the ablest of his allies utterly unfettered by the sense of honour;—Baldwin in despair sent the keys of the Holy Sepulchre to Henry of England, as his kinsman, and prayed him to come to the rescue. Then he died and left the kingdom first to his baby nephew, then to his sister Sibylla and Guy of Lusignan her husband. The mission of the patriarch Heraclius, in 1185, was received with little enthusiasm in the West. Some two or three great English barons, Hugh of Beauchamp and

The house of Anjou at Jerusalem.

Roger Mowbray, went; but the English Church and baronage, assembled at the Council of Clerkenwell, told the king that it was his first duty to stay at home and keep the promises made in his coronation oath. He himself could do no more than offer contributions in money. The patriarch went off in disgust; and before anything was really done Saladin had captured the king, the True Cross, and the holy city.

Jerusalem taken.

This news, which reached England in October or November 1187, silenced for a moment the petty quarrels of the West. But it was for a moment only. At the first shock of the tidings Henry and Philip laid aside their grievances. Richard was the first to take the cross. The popes one after another in quick succession issued impassioned adjurations that peace should be made, and that one great Catholic Crusade should rescue imperilled Christendom. The Emperor himself, the lord of the Western world, the great Frederick, declared that he would go to Palestine with all the German chivalry. In England and France went out a decree that all men who had anything should pay a tenth towards the Crusade. The Saladin tithe was enacted by a great assembly of all England, at Geddington, near Northampton, and it was the first case in which Englishmen ever paid a general tax on all their goods and chattels. This was done in February 1188. The money was hastily collected. It was yet uncertain whether the king would go himself or send Richard or John or both. But the moment of peace was over, and for Henry at least the end was coming.

The Third Crusade.

The last storm arose in the South; the quarrel between Richard and the Count of Toulouse, beginning about a little matter, drew in both Henry and Philip. Philip complained to Henry of the misrule of his son. Henry disowned the measures

Henry's last quarrel, 1188.

of Richard; and Philip invaded Berry. At first Richard acted in concert with his father, drove Philip out of Berry, and recovered the places that he had taken. Henry was in England at the time of the outbreak. He sent over first the Archbishop of Canterbury, then John, and at last, in July 1188, left his kingdom never to return. The name of the great king was, at first, potent enough. Philip sued for peace; the Counts of Champagne insisted that there should be peace until the Crusade was over. Once and again the two kings met, and failed to come to a reconciliation. In November Richard began to waver: he did homage to Philip for all the French provinces, saving, however, his fealty to his father. A truce was made, and the Pope sent a legate to turn the truce into a peace. But when the time of truce expired Richard had gone over to Philip, and actually joined in the invasion of his father's territories. Philip insisted that Richard should be acknowledged heir: Henry hesitated; Richard suspected that John was to supplant him: John was bribed to take part with his father's enemies. Henry, unable to believe the monstrous conspiracy, for the first time in his life showed want of resolution; he did not draw his forces to a head, but deliberated and negotiated whilst Richard and Philip were acting. His health was failing, and his spirits had failed already.

Richard joins Philip.

So the spring of 1189 went on, Henry staying mostly at Saumur, in Anjou, or at Chinon; and Philip watching for his opportunity. At length, on May 28, after a conference at la Ferté Bernard, in which Henry, as it was said, bribed the papal legate to take his side, Philip finally broke into war; carried almost by surprise the chief castles of Maine, and with a good fortune which he could scarcely realise captured the city of le Mans itself, which Henry, although at the head of a stout force of knights, refused to defend. Wretchedly

Capture of le Mans.

ill and broken in spirit, he rode for his life from le Mans, to escape from the hands of his son and of Philip. This was on June 12. Le Mans was Henry's birthplace; there his father was buried, and he had loved the place very much; it was also a very strong place, and when it was taken he knew that sooner or later Tours must go too. But even before Tours was taken all was lost, for Henry seemed to think that he had nothing left to live or fight for. Scarcely able to sit on horseback, he rode all day from le Mans, and rested at night at la Frenaye, on the way to Normandy, where the chief part of his force and all his strength lay. Geoffrey, his natural son and chancellor, afterwards Archbishop of York, was with him, and the poor father clung to him in his despair. To him, through his friend Giraldus Cambrensis, we owe the story of these sad days.

Henry's flight.

Henry was worn out with illness and fatigue—he would, he said, lie down and die: at night he would not be undressed; Geoffrey threw his cloak on him and watched by his side. In the morning the king declared that he could not leave Anjou; Geoffrey was to go on to Alençon with the troops. He would return to Chinon. Geoffrey was not allowed to depart until the Steward of Normandy had sworn that, should the king die, he would surrender the castles only to John; for Henry did not yet know the treachery of his favourite child. All was done as he bade; Geoffrey secured Alençon and then returned to look for his father; he found him at a place called Savigny, and took him to Chinon, as he wished. For a fortnight Philip pursued his conquests unimpeded. Henry moved again to Saumur, and was there visited by the Counts of Champagne; but he had neither energy, nor apparently even the will, to strike a blow or to come to a decision that would ensure peace. A conference was fixed for J[illegible]

His last days.

30, at Azai, but when the day came Henry was too ill to attend; and Philip and Richard went off loudly exclaiming that it was a false excuse. The same day Philip came to Tours. Again the princes interfered; but Philip would not listen. On July 3 he took the city. Then Henry, dying as he was, made his last effort; he was carried from Saumur to Azai, mounted there on horseback, and met his two foes on the plain of Colombieres.

There, after two attempts to converse, broken by a terrible thunderstorm, Henry, held up on horseback by his servants, accepted Philip's terms and submitted, surrendering all that he was asked to surrender. One thing he asked for, the list of the conspirators, to whom he was obliged to promise forgiveness. The list was given him; and with reluctance and muttered reproaches, perhaps curses also, he gave Richard the kiss of peace. He went back to Azai, still transacting some little business on the way, for the monks of Canterbury, who had quarrelled with their archbishop, forced themselves into his presence and provoked some sharp words of reproof even then. Then he opened the list of rebels, and the first name that he saw was John's. And that broke his heart; he turned his face to the wall and said, 'I have nothing left to care for; let all things go their way.'

From that blow he never rallied. He was carried in a litter to Chinon, chafing against the shame of defeat and the mortification of his love. Geoffrey sat by him fanning him in the sultry air and driving away the flies that teased him. To him Henry confided his last wishes. He told him that he was to be Archbishop of York, and gave him his ring, with the seal of the panther, to give to the King of Castille; then he ordered them to take him up, on his bed, and lay him before the altar of the castle chapel; there he received the last sacraments and died, two days after the meeting at Colombieres. Death of Henry II.

There is hardly in all English history a more striking catastrophe or a scene in itself more simply touching. So much suffering, so great a fall, from such grandeur to such humiliation, such bitter sorrow, the loss of everything worth having, power and peace and his children's love, may have stirred in him in that last moment the thought of forgiveness. But Richard saw him alive no more; and when at the funeral, at Font Evraud, he met the bier on which his father's body lay, blood flowed forthwith from the nostrils of the dead king, as if his spirit were indignant at his coming.

CHAPTER VI.

RICHARD CŒUR DE LION.

Character of the reign—Richard's first visit to England—His character—The Crusade—Fall of Longchamp—Richard's second visit—His struggle with Philip—His death.

THE historical interest of the reign of Richard I. is of two sorts: there is abundance of personal adventure and incident, and there is a certain quantity of legal and constitutional material which it is easier to interweave into a general disquisition on such subjects than to invest with a unity and plot of its own. But there is no great national change, no very pronounced development, no crisis of stirring interest or great permanent import. The strong system of government introduced by Henry II. was gaining still greater strength and consistency; the royal power, which it was the first object of that system to consolidate, was growing stronger and stronger, and the nation in general, whilst it was passing through that phase in which a strong government is a necessary guide and discipline, was benefiting by the policy which must sooner or later educate it to remedy

the abuses and perhaps to overthrow the strong government itself. But as yet the royal power was wielded by men who used it like statesmen, and the strength of the nation was not tempted to assert itself by a premature struggle. One great personal struggle there was during the reign, and a somewhat interesting one in point of detail, but it is one which typified and prefigured rather than formed a link in the chain of causes that brought about the struggle of Runnymede.

The great subjects of romantic interest are Richard's crusade, captivity, and death. England had little to do with these, except as being the source for the supply of treasure; she scarcely saw Richard; to her the king was little more than a political expression which furnished arguments to a series of powerful administrators, William Longchamp, Walter of Coutances, Hubert Walter, and Geoffrey FitzPeter. But as connecting English with Continental history the personal career of Richard has its own interest and value, and, even in a rapid survey like the present, it demands, if not the first place, certainly one which is second to no other.

Richard's succession.

Richard, as we have seen, was not acknowledged by his father as his heir, nor had he received the homage of the barons as presumptive successor, until he had wrung the concession from the dying Henry on the field of Colombieres. The fact that, without a word of opposition, he was received as Duke of Normandy, Count of Anjou, and King of the English, immediately on the news of his father's death, proves that the doctrine of hereditary succession was, in practice if not in theory, already admitted as the lawful one, and that Henry's reforms had left the countries subject to his immediate sway in such order that no one even ventured to take advantage of the interregnum to disturb the peace. It also proves that Richard had strong friends.

Among these the first was his mother, who, rejoicing in her deliverance by Henry's death from her long captivity, placed herself at the head of the English government, and, empowered by Richard, ruled as regent until his arrival. One reason for this probably was that Ranulf Glanvill, the justiciar, had been a confidential friend of Henry, and may have been suspected of promoting the design of placing John upon the throne. For more than a month Eleanor reigned, Richard spending the time in making terms with Philip, who had become his enemy as soon as he succeeded to his father's place, and in receiving the formal investiture of the several dignities which he claimed on the Continent.

Eleanor regent.

In the middle of August he came to England, and John with him. After a magnificent progress of little more than a fortnight, he was crowned with exceeding great pomp at Westminster, on the 3rd of September. This is the first coronation the state ceremonies of which have been exactly recorded, and it has remained a precedent for all subsequent occasions: the religious services of course are much older. It was unfortunately disgraced by a riot promoted by Richard's foreign attendants against the Jews, who, notwithstanding the king's exertions, were severely handled, robbed, and murdered, the example being followed, as soon as his personal protection was removed, at York, Stamford, and St. Edmund's.

Coronation of Richard.

Persecution of the Jews.

Richard at the time of his coronation was thirty-two years old; a man of tall stature, like his father and elder brother, ruddy and brown-haired, and giving already some indications of corpulence, which he tried to keep down by constant exercise. In dress he was very splendid and ostentatious, therein unlike his father. The dissimilarity in character was greater. Richard was foolishly

extravagant, as lavish of money as Henry was sparing, and as unscrupulous in his ways of exacting it as his father was cautious and considerate. Character of Richard. At this period of his life he had no pronounced political views; he had taken the Cross, and was that very rare phenomenon, an ardent Crusader, but he had not yet conceived a political scheme as King of England or as enemy of the King of France. He had not thought of taking into his hands the strings of that foreign policy for which Henry had sacrificed so much. He despised his friend Philip far more than his knowledge of him or the results of their intercourse justified him in doing; he trusted in himself far more than any man should do who has any sense of the rights or duties of kingship. He was a thorough warrior; personally brave, fearless in danger, politic and cautious in planning and rapid in executing, exhibiting in battle the very faculties which deserted him in council—circumspection, self-control, readiness. He cared more for the glory of victory than either for the fame or the substance of it; it was his very joy to excel in arms, rather than to win renown or profit; yet for both renown and profit he had an insatiable thirst also. He was eloquent, generous, and impulsive. In religion he was perhaps more sincere than his family generally were: he heard mass daily, and on three occasions did penance in a very remarkable way, simply on the impulse of his own distressed conscience. He did not show the carelessness in divine things that marked the house of Anjou, still less the brutal profanity of John. But notwithstanding this he was a vicious man, a bad husband and a bad son; vicious, although his vices did not, like those of his father and brother, complicate his public policy. All one can say about this is that, when he professed penitence, he seems to have been sincerely penitent. His best trait is the forgiving-

ness of his character, and that is especially shown in his treatment of John.

The accession of such a prince might well be watched with interest; but Richard was as yet scarcely known in England. He had been born, indeed, either at Oxford or at Woodstock, and his nurse was a Wiltshire or Oxfordshire woman; but when quite a child he had been taken abroad, and had only visited England two or three times for a month or so since. Hence, although he was a fair scholar and a poet, it may be questioned whether he could speak a sentence in English. He had been educated, in fact, to be Duke of Aquitaine, and it was only since his brother's death that he had been an object of interest on this side the Channel. No doubt changes were looked for; and in one respect change came, for very early he removed Glanvill from the office of Justiciar and made him pay a very heavy fine before he released him from custody. But this act was probably one of greed rather than of policy, for he wanted money, and did not speculate on statecraft. Glanvill, too, was bound on the Crusade, and was an old man whose days of governing were over.

The same want of money led Richard, in a great council which he held at Pipewell in the month of the coronation, to sell almost everything that he could sell: sheriffdoms, justiceships, church lands, and appointments of all kinds. To the King of Scots he sold the release from the obligations which Henry had exacted in the peace of Falaise; to the Bishop of Durham he sold the office of Justiciar, or a share in it, and the county of Northumberland; to the Bishop of Winchester he sold the sheriffdom of Hampshire, and castles and lands belonging of old to his see. Many other prelates paid large sums to secure rights and properties which were their own, but which were deemed

Council of Pipewell.

safer for the royal confirmation; and so great were the promises of money made to him that, if they had been fulfilled, he would have been richer by far than all the kings that were before him. He filled up the bishoprics with officers of his father's court. York he gave to his half-brother Geoffrey the Chancellor; Salisbury to Hubert Walter, nephew of the Justiciar Glanvill; London to Richard the son of old Bishop Nigel of Ely the treasurer, and himself also treasurer and historian of the Exchequer.

Provision made for John.

He also made great provision for John. He had him married, as soon as he could, to the heiress of Gloucester, to whom he had been so long betrothed, although the archbishop protested that they were too near akin. He gave him the counties of Dorset, Devon, Cornwall, Somerset, Derby, and Nottingham, with divers other castles and honours; but he would not recognise him as his heir or leave him with a settled share in the government. The real power he placed in the hands of a man whom he had found for himself, William Longchamp, who had gone through the usual training in the Chancery, and whom he now made Chancellor and Bishop of Ely. To him also he committed the justiciarship, in partnership with the Bishop of Durham, after the death of William de Mandeville, whom he had meant to leave as lieutenant-general of the kingdom; and before his final departure on the Crusade he made him sole Justiciar, and obtained for him the office of legate from Clement III.

Promotion of Longchamp.

Richard starts on the Crusade, 1190.

In order to remove the two greatest obstacles to peace he bound his two brothers John and Geoffrey to stay away for three years from England, so as to leave a clear stage for Longchamp. He then prepared for his departure. He left England in

December. After arranging matters in Normandy and Poictou, he proceeded to Vezelai, whence he started with Philip soon after midsummer. It may be said that, in spite of good intentions, he took away with him the men whom it would have been wisest to leave behind, Archbishop Baldwin of Canterbury, Ranulf Glanvill, and Hubert Walter, and left behind him the uneasy spirits whom he might have made useful against the infidel, John, Geoffrey, and Longchamp. And this the later history proves. At present we will follow Richard.

The Third Crusade.

The third Crusade, in which he was the foremost actor, is one of the most interesting parts of the crusading history; the greatness of the occasion, the greatness of the heroes, and the greatness of the failure, mark it out especially. And yet it was not altogether a failure, for it stayed the Western progress of Saladin, and Islam never again had so great a captain. Jerusalem had been taken in the autumn of 1187. The king had been taken prisoner in the summer. Before or after the capture almost every stronghold had been surrendered within the territory of Jerusalem. Saving the lordship of Tyre and the principalities of Antioch and Tripoli, all the Frank possessions had been lost, and only a few mountain fortresses kept up a hopeless resistance. The counsels of the Crusaders were divided; the military orders hated and were hated by the Frank nobility; and these, with an admixture of Western adventurers like Conrad of Montferrat, played fast and loose with Saladin, betraying the interests of Christendom and working up in their noble enemy a sum of mistrust and contempt which he intended should accumulate till he could take full vengeance.

When King Guy, released from captivity, opened, in August 1189, the siege of Acre, he was probably conscious

that no more futile design was ever attempted. Yet it showed an amount of spirit unsuspected by the Western princes, and drew at once to his side all the adventurous soldiers of the Cross. If he could maintain the siege long enough, there were hopes of ultimate success against Saladin, of the recovery of the Cross and the Sepulchre, for the emperor and the kings of the West were all on the road to Palestine. Month after month passed on. The Danes and the Flemings arrived early, but the great hosts lagged strangely behind. The great hero Frederick of Hohenstaufen started first; he was to go by land. Like a great king, such as he was, he first set his realms in order; early in 1188, at what was called the Court of God, at Mentz, he called his hosts together; then from Ratisbon, on St. George's day, 1189, he set off, like St. George himself, on a pilgrimage against the dragons and enchanters that lay in wait for him in the barbarous lands of the Danube and in Asia Minor. The dragons were plague and famine, the enchanters were Byzantine treachery and Seljukian artifice. Through both the true and perfect knight passed with neither fear nor reproach. In a little river among the mountains of Cilicia he met the strongest enemy, and only his bones reached the land of his pilgrimage. His people looked for him as the Britons for Arthur. They would not believe him dead. Still legend places him, asleep but yet alive, in a cave among the Thuringian mountains, to awake and come again in the great hour of German need. His diminished and perishing army brought famine and pestilence to the besieging host at Acre. His son Frederick of Swabia, who commanded them, died with them; and the German Crusaders who were left—few indeed after the struggle—returned to Germany before the close of the Crusade under Duke Leopold of Austria.

Siege of Acre.

Crusade of Frederick.

Next perhaps, after the Emperor, the Crusade depended on the King of Sicily—he died four months after his father-in-law, Henry II.

For two years the siege of Acre dragged on its miserable length. It was a siege within a siege: the Christian host held the Saracen army within the walls; they themselves fortified an entrenched camp; outside the trench was a countless Saracen host besieging the besiegers. The command of the sea was disputed, but both parties found their supplies in that way, and both suffered together.

Double siege at Acre.

This had been going on for nearly a year before Richard and Philip left Vezelai. From Vezelai to Lyons the kings marched together; then Philip set out for Genoa, Richard for Marseilles. Richard coasted along the Italian shore, wiling away the time until his fleet arrived. The ships had gone, of course, by the Bay of Biscay and Straits of Gibraltar, where they had been drawn into the constant crusade going on between the Moors and the Portuguese, and lost time also by sailing up to Marseilles, where they expected to meet the king. Notwithstanding the delay they arrived at Messina several days before Richard. Philip, whose fleet, such as it was, had assembled at Marseilles, reached the place of rendezvous ten days before him.

Journey of Richard.

Immediately on Richard's arrival, on September 23, Philip took ship, but as immediately put back. Richard made no attempt to go farther than Messina until the spring. It was an unfortunate delay, but it was absolutely necessary. The besiegers of Acre were perishing with plague and famine; provisions were not abundant even in the fleet. To have added the English and French armies to the perishing host would have been suicidal. Some of the English barons, however, persisted. Ranulf Glanvill went on to Acre, and

The English at Acre.

died in the autumn of 1190; Archbishop Baldwin and Hubert Walter, the Bishop of Salisbury, took the military as well as the spiritual command of the English contingent; but the archbishop died in November, and Hubert found his chief employment in ministering to the starving soldiers. Queen Sibylla and her children were dead also; and Conrad of Montferrat, separating her sister, now the heiress of the Frank kingdom, from her youthful husband, prevailed on the patriarch to marry her to himself, and so to oust King Guy, and still more divide the divided camp. The two factions were arrayed against one another as bitterly as the general exhaustion permitted, when at last Philip and Richard came.

The winter months of 1190 and the spring of 1191 had been spent by them in very uneasy lodgings at Messina. Richard and Philip were, from the very first, jealous of one another. Richard was betrothed to Philip's sister, and Philip suspected him of wishing to break off the engagement. Richard's sister Johanna, the widow of William the Good, was still in Sicily. Richard wanted to get her and her fortune into his hands and out of the hands of Tancred, who, with a doubtful claim, had set himself up as King of Sicily against Henry of Hohenstaufen, who had married the late king's aunt. Now, the Hohenstaufen and the French had always been allies; Richard, through his sister's marriage with Henry the Lion, was closely connected with the Welfs, who had suffered forfeiture and banishment from the policy of Frederick Barbarossa. He was also naturally the ally of Tancred, who looked upon him as the head of Norman chivalry. Yet to secure his sister he found it necessary to force Tancred to terms. Whilst Tancred negotiated the people of Messina rose against the strangers; the strangers quarrelled among them-

The kings at Messina.

Richard and Tancred.

selves; Philip planned treachery against Richard, and tried to draw Tancred into a conspiracy; Tancred informed Richard of the treachery. Matters were within a hair's breadth of a battle between the crusading kings. Philip's strength, however, was not equal to his spite, and the air gradually cleared. Tancred gave up the queen and her fortune, and arranged a marriage for one of his daughters with Arthur of Brittany, who was recognised as Richard's heir. Soon after Queen Eleanor arrived at Naples with the lady Berengaria of Navarre in her company; whereupon, by the advice of Count Philip of Flanders, Philip released Richard from the promise to marry his sister; and at last, at the end of March 1191, the French Crusaders sailed away to Acre.

Richard sails from Messina.

Richard followed in a few days; but a storm carrying part of his fleet to Cyprus, he found himself obliged to fight with Isaac Comnenus, the Emperor, and then to conquer and reform the island, where also he was married. After he reached Acre, where he arrived on June 8, he as well as Philip fell ill, and only after a delay of some weeks was able to take part in the siege. The town held out a little longer; but early in July it surrendered, and gave the Christians once more a footing in the Holy Land. Immediately after the capture Philip started homewards, leaving his vow of pilgrimage unfulfilled. Richard remained to complete the conquest.

Acre taken, 1191.

The sufferings and the cruelties of this part of the history are not pleasant to dwell upon. It is a sad tale to tell how Saladin slew his prisoners, how the Duke of Burgundy and Richard slew theirs; how Conrad and Guy quarrelled, the French supporting Conrad and Richard supporting Guy; how the people perished, and brave and noble knights took menial service to earn bread. A more brilliant yet

Richard's campaigns in Palestine.

scarcely less sad story is the great march of Richard by the way of the sea from Acre to Joppa, and his progress, after a stay of seven weeks at Joppa, on the way to Jerusalem as far as Ramlah. Every step was dogged by Saladin, every straggler cut off, every place of encampment won by fighting. Christmas found the king within a few miles of Jerusalem; but he never came within reach of it. Had he known the internal condition of the city he might have taken it. Jerusalem was in a panic; Saladin for once paralysed by alarm; but Richard had no good intelligence. The Franks insisted that Ascalon should be secured before the Holy City was occupied. The favourable moment passed away.

Richard with a heavy heart turned his back on Jerusalem and went to rebuild Ascalon. Before that was done the French began to draw back. The struggle between Guy and Conrad broke out again. Saladin, by Easter 1192, was in full force and in good spirits again. Richard performed during these months some of the most daring exploits of his whole life: capturing the fortresses of the south country of Judah, and with a small force and incredibly rapid movements intercepting the great caravan of the Saracens on the borders of the desert. Such acts increased his fame but scarcely helped the Crusade.

Ascalon rebuilt.

Exploits of Richard.

In June it became absolutely necessary to determine on further steps. Now the French insisted on attacking Jerusalem. Richard had learned caution, and the council of the Crusade recommended an expedition to Egypt to secure the south as Acre barred the north. At last Richard yielded to the pressure of the French, and in spite of the want of water and the absurdity of sitting down before the Holy City with an enormous army in the middle of summer, he led them again to Beit-nûba, four hours' journey from Jerusalem.

March on Jerusalem.

Then the French changed their minds again; and thence, on July 4, began the retreat preparatory to the return. Richard had been too long away from France, whither Philip had returned, and from England, where John was waiting for his chances; he began to negotiate for a truce, and in September, after a dashing exploit at Joppa, in which he rescued the town from almost certain capture, he arranged a peace for three years three months and three days.

Retreat and truce.

Early in October he left Palestine, the Bishop of Salisbury remaining to lead home the remnant of the host, as soon as they had performed the pilgrimage which they were to make under the protection of Saladin. Richard, impatient of delay, and not deeming himself worthy to look on the city which he had not strength and grace to win back for Christendom, left his fleet and committed himself to the ordinary means of transport. After bargaining with pirates and smugglers for a passage, and losing time by unnecessary hurry, he was shipwrecked on the coast of the Adriatic near Aquileia; travelled in disguise through Friuli and part of Salzburg, and was caught by Duke Leopold of Austria, his bitter personal enemy, at Vienna, in December. In March 1193 he was handed over to the Emperor Henry VI., who was in correspondence with Philip of France, as Philip was with John. For more than a year Richard was in captivity. We may take the opportunity of turning back and seeing how England had fared during his absence.

Richard's journey homewards.

When he started on the Crusade, early in December 1189, he left the regency in the hands of Bishop Hugh of Durham and Bishop William of Ely the Chancellor, with a committee of associate justices. John and Geoffrey had sworn to stay away for three years. As soon as he was out of the

England during the Crusade.

country, as early as January 1190, the justices quarrelled. They were, indeed, very ill-mated. Hugh de Puiset, the Bishop of Durham, was a great lord of the house of Champagne, nephew to King Stephen, and cousin to the king: a rich man, an old man, the father of a fine family, one son being chancellor to the King of France; a great captain, a great hunter, a most splendid builder; not a very clerical character, but altogether a grand figure for nearly fifty years of English history. William of Longchamp, although perhaps, notwithstanding the stigma of low birth cast upon him by his rivals, a man of good family, was an upstart by the side of Bishop Hugh. He was a man of very unpopular manners; very ambitious for himself and his relations, very arrogant, priding himself on his Norman blood, but laughed at as a *parvenu* by the Norman nobles; disliking and showing contempt in the coarsest way for the English, whose language he would not speak and declared that he did not understand; very jealous of a sharer in power, and unscrupulous in his use of it. With all this, however, he was, it is certain, faithful to Richard; his designs were all directed to the securing and increasing of his master's power, and his bitterest enemies were his master's enemies. Richard knew this, and never discarded his minister, although his unpopularity once endangered the throne, and was always so great that he thought it best to keep him out of the country. He continued to be chancellor as long as he lived. William, as the king's confidant, chancellor, justiciar, and prospective legate, was far more than a match for Bishop Hugh. They quarrelled at the Exchequer as soon as Richard left for France. The chancellor crossed over and laid his complaint before the king; then Hugh followed, and obtained a favourable answer;

Hugh de Puiset.

William Longchamp.

Quarrel of the justices.

but when he presented the royal letters to Longchamp he was arrested and kept in honourable confinement until the king's pleasure should be further known. Richard was probably aware of this summary treatment of the bishop, but he had extracted from his coffers as much of his treasure as he was likely for the present to get, and he practically rewarded the chancellor by showing him increased confidence. In June Longchamp became legate of the pope and sole justiciar.

Longchamp supreme.

After Hugh de Puiset's defeat Longchamp had several months of practical sovereignty; supreme in Church and State, he travelled about in royal pomp, making double exactions, as chancellor and legate, from the religious houses. He fortified the Tower of London. He punished the rioters at York who had attacked the Jews and driven them to destroy themselves. He put his own brothers into high and lucrative posts, married his nephews and nieces to the great wards of the crown, taught the noble pages of his household to serve on the knee, and, partly by misconduct, partly by mismanagement and contumelious behaviour in general, did his best to make himself intolerable.

Position of John.

By this time John was released from the oath to stay three years on the Continent and had come to England, where he was keeping royal state in his castles of Marlborough and Lancaster. John's position, if not his ability, made him a more formidable antagonist than Bishop Hugh de Puiset, and John's enmity was no doubt first incurred by the support which Longchamp gave to the idea that Arthur should be Richard's heir. Whether Richard really intended Arthur to succeed, or merely allowed him to be set up as a check upon John, cannot perhaps be certainly decided; but he was so set up, and Longchamp's policy was, for a time, devoted to the securing of his claim. For a time John

remained quiet, angry at not having his proper share of power, but restrained by the presence, and probably by the advice, of Eleanor, his mother, who certainly never intended that Arthur should exclude him from the throne. Eleanor, however, early in 1191, went to Messina with Berengaria of Navarre, and probably with the express purpose of laying before her son the imprudent behaviour of his chancellor. John was thus released from her influence, and in a very short time found an opportunity of asserting himself as the protector of the nation against the tyranny of Longchamp.

The Chancellor, in pursuance of a deliberate plan for maintaining the royal power, was engaged in taking into his own hands the many castles which since the death of Henry II. had got into untrustworthy keeping. The importance of this measure, sufficiently clear from the history of the two last reigns, justified some severity. Yet action so speedy and direct could scarcely have been expected by men who had only a year and a half before paid down large sums of money to Richard for the possessions of which they were now deprived. John knew this; he knew that he had himself been kept out of the castles belonging to the lordships which were showered upon him, and determined to avail himself of the first chance to set matters right and to obtain recognition as his brother's heir. So whilst Longchamp was busy in the West of England John took measures for securing the castles of Tickhill and Nottingham, the two strongest fortresses to which he thought he had a claim. The chance soon came.

Longchamp demands the royal castles.

Gerard Camvill, the warden of Lincoln Castle and sheriff of the shire, refused to surrender his fortress at the command of Longchamp, and appealed to John as his liege lord. John took up arms and seized Nottingham and Tickhill. The Chancellor

Gerard Camvill.

went northwards to meet him, but no battle was fought; and a truce was made at Winchester towards the end of April 1191. This lasted but a short time. Soon after the pacification, about midsummer, war broke out again; again the castles were surrendered to John, and a battle was imminent. But now a new actor appeared. Richard, hearing from his mother of the angry state of the kingdom, sent from Messina the Archbishop of Rouen, Walter of Coutances, an old officer of the English court who had been Vice-Chancellor to Henry II., with instructions of which we have no very certain account, but which probably contained two or three alternative courses, one of which was the superseding of Longchamp. Just at the same time Clement III. died, and it was very uncertain whether Celestine III., who succeeded him, would renew the legatine commission. The Archbishop of Rouen arrived in time to prevent bloodshed; but he did not produce his summary instructions. A second truce was made at Winchester in July, and the castles both of the king and of John were placed in safe hands.

War and truces.

Mission of Walter of Coutances.

Two months had scarcely passed when a third struggle occurred. Archbishop Geoffrey of York, released, as he said, like John, from his three years' exile, returned from his consecration at Tours, and landed at Dover in September. The Chancellor, fearful of his influence and afraid of his coalescing with John, tried to prevent his landing. The new archbishop was sacrilegiously handled by the legate's servants, drawn from sanctuary and imprisoned. John took up at once his brother's cause, and the bishops and barons, indignant that a son of the great King Henry should be so treated, compelled the Chancellor to disavow the act and release the prisoner. Geoffrey, set free, went at once to London. John and the Archbishop of

Return of Archbishop Geoffrey.

Rouen collected the barons, and Longchamp shut himself up at Windsor. The barons cried out for his deposition, the bishops for his excommunication. Scarcely any of the many friends whom he had purchased stood by him. It was at last agreed that he should meet the whole body of the baronage at the bridge over the Loddon near Reading, early in October. The barons met there. Longchamp's courage failed him; instead of keeping his appointment he started at full speed to London. When he arrived there he found that his friends were a minority among the citizens, and took refuge in the Tower. No sooner was he there than John and the barons came at full speed after him. The next day they held a solemn assembly. The Archbishop of Rouen at last exhibited his commission and was received as Justiciar. John was recognised as his brother's representative. Longchamp was compelled to surrender his castles and go into exile. This would seem to have been a case of revolutionary action, rather than of the constitutional dismissal of a minister; still it is important in its relation to the theory of the responsibility of ministers, and as containing in germ the idea that an unworthy minister is amenable to punishment and deposition at the hands of the nation, and is not responsible to his master only.

Longchamp removed from the Justiciarship.

Before Christmas King Philip had returned from the Crusade and was laying snares for Richard, who was still bearing the burden of Christendom in Palestine. The first net was spread for John. John was very much disgusted that the Archbishop of Rouen had secured all the benefits of the late victory over the Chancellor and indignant at being kept in order by his mother. He was ready enough to betray Richard's interests; he intrigued first with Philip, then with Longchamp, who wanted to return to his see; he accepted

Intrigues of Philip and John, 1192.

bribes in money from both. The whole year 1192 affords nothing but a record of his machinations, which were for the present futile. But when the news of the capture of Richard at Vienna arrived he immediately entered into negotiations with Philip, *bonâ fide* on both sides, to secure the crown to himself and to prevent his brother's return. These manœuvres resulted in open war as soon as the release of Richard was determined on.

We must now return to the fortunes of the captive king, the news of whose imprisonment took all Europe by surprise and shocked all Christendom. It reached England in February 1193; and the first thing the Justiciar did was to send two abbots to Germany to seek him. They met him at Ochsenfurth, in Bavaria, on his way to Worms, where he was to meet the Emperor on Palm Sunday. Their first negotiations were friendly enough, notwithstanding the alliance which Richard had made with Tancred, and his connexion with the Welfic family. An enormous ransom was demanded, but Richard was to have no inconsiderable gift in compensation, that little Provençal kingdom which Frederick had been able to reclaim, but over which Henry possessed scarcely more than nominal sway. Richard was to be made King of Arles. In the meantime he was to resign the crown of England to Henry VI. as lord of the world, and to receive it back again as a tributary fief of the empire; and this, our historian says, was done, although the Emperor before his death released him from the obligation.

Negotiations for Richard's release.

But as soon as Philip and John learned that the transaction was assuming such an amicable shape, they attempted to prevent the Emperor from fulfilling the agreement, and the position of parties within the empire gave them fair hopes of attaining their end. For, in consequence of the murder of the

Delays.

Bishop of Liege, in which the Emperor was somehow implicated, Henry was at open strife with the great barons and lords of the Low Countries. They hampered his action in his wide-reaching schemes of policy; against them he felt the need of having Philip's aid, and he listened to the overtures of Richard's enemies.

John, having so far succeeded in retarding operations, secured his castles, and added even Windsor to their number; he gave out that Richard would never return; and although he professed to collect money for the ransom, collected all that he could in his own treasury. Eleanor, however, and the justices, were too strong for him. Hubert Walter too had returned from Palestine; he, in company with the Chancellor, had visited Richard in his prison, and had by his recommendation been chosen archbishop of Canterbury. He undertook to raise the ransom, and to manage John. The whole nation behaved nobly. Enormous contributions were raised; the knights paid a scutage in aid to ransom their lord; the Cistercians surrendered their wool; the whole people paid a fourth of their moveable goods, clergy as well as lay. Whether all the money that was raised reached the Emperor's coffers may fairly be doubted, but the nation paid it, and at last by February 1194 the ransom was ready.

Rebellion of John.

Richard's ransom.

But before Richard was set free it was found necessary to buy the help of the lords of the Low Countries, and compel Henry to fulfil his promise by threats that they would renounce their allegiance. He had defied the Pope, and indeed died excommunicate, but he could not stand against this pressure. Richard was released, and landed in England on the 13th of March.

Release; 1194.

England the returning hero found at war. Archbishop Hubert, who had succeeded to the justiciarship at Christ-

mas, had been obliged to look John's treason in the face. As archbishop he excommunicated him; as justice he condemned him to forfeiture; as lieutenant-general of the king he led an army against him. One by one John's castles had been taken, and at the time of Richard's landing only Tickhill and Nottingham held out. Tickhill surrendered on hearing the news, Nottingham at the arrival of the king. John's party at once broke up, and Richard had but to show himself to be supreme.

Return.

This is Richard's second and last appearance on English soil as king. He stayed only from March 13 to May 12, 1194, but he did a great deal of business. As soon as Nottingham had surrendered he called a great council there, and for three days acted as chief judge, financier, and politician; taxing his friends, condemning his enemies, and concocting new plans for the security and quiet administration of the realm. By selling sheriffdoms, exacting fines, and enacting taxes, he raised money to begin hostilities with Philip at once. He punished the enemies of Longchamp and the friends of John, especially his chief minister, Hugh of Nunant, Bishop of Coventry, who had as bishop and as sheriff offended the laws secular and ecclesiastical. But he showed himself by no means implacable; and, before he left, he had reconciled not only Archbishop Geoffrey and the Chancellor, but almost all the other jealous and divided parties. In accordance with the recommendation of his council, before he left England, he wore his crown in solemn state at Winchester; and, having done fairly well all that he had undertaken, showing that his pride, dignity, and energy had undergone no diminution by his captivity, he sailed to Barfleur on the 12th of May, and England saw his face no more, heavily as from time to time she felt the pressure of his hand.

Richard's second visit to England.

From this time all Richard's personal history is unconnected with England. From 1194 to 1198 the kingdom was governed by Hubert Walter, the Archbishop of Canterbury, who, like Longchamp, was both legate and justiciar; Longchamp retained the title and emoluments of chancellor, but did not come to England. The history of these years is simply a record of judicial and financial measures taken on the lines and inspired by the motives of Henry the Second's policy. Hubert had been his secretary, and, being the nephew of Ranulf Glanvill, he had been fitted by education to be a sound lawyer and financier, as well as a good bishop and a successful general. He was a strong minister; and although as a good Englishman he made the pressure of his master's hand lie as lightly as he could upon the people, as a good servant he tried to get out of the people as much treasure as he could for his master. In the raising of the money and in the administration of justice he tried and did much to train the people to habits of self-government. He taught them how to assess their taxes by jury, to elect the grand jury for the assizes of the judges, to choose representative knights to transact legal and judicial work;—such representative knights as at a later time made convenient precedents for parliamentary representation. The whole working of elective and representative institutions gained greatly under his management—he educated the people against the better time to come. But he collected vast sums—eleven hundred thousand pounds, it was said, in four years—beyond the ordinary revenue. He allowed no evasions. The king watched him closely; threatened reforms which would increase the exactions of the treasury, and directed the formation of a new national survey, or at least tried to force one on the country. The people of London, worked

Government of Hubert Walter.

on by the demagogue William FitzOsbert, insisted on a new mode of assessment in which the taxes would be collected in proportion to the means of the payers, and not by a simple poll-tax. This project might be just, but was promoted by revolutionary means; Hubert summarily cowed the rioters into submission. He went to the very extreme of what was right to serve Richard, and at last he gave in to the number of influences which combined to weary him of a position of power too great to be undertaken by any single person.

This occasion is a memorable one. In the spring of 1198 Richard, as usual, wanted money, and had exhausted all the usual means of procuring it. He accordingly directed Hubert to propose to the assembled barons and bishops that they should maintain for him, during his war, a force of three hundred knights, to be paid a sum of three shillings a day. To the archbishop's amazement, for the first time for five-and-thirty years, for the second time in English history, the demand was disputed. Again the opposition was led by a bishop, as then by St. Thomas, this time by St. Hugh. That great Hugh of Lincoln, the Burgundian Carthusian who had won the heart of Henry II. and had treated him as an equal, now acted on behalf of the nation to which he had joined himself. Herbert, the Bishop of Salisbury, the son of Henry's old servant Richard of Ilchester, followed the example. The estates of their churches were not bound, they said, to afford the king military service except within the four seas; they would not furnish it for foreign warfare. The opposition prevailed: the bishops had struck a chord which awoke the baronage. This body now, to a far greater extent than before, consisted of men who had little interest in Normandy, were far more English in sympathy, and perhaps also in blood, than they had

Money refused by the Great Council, 1198.

been under Henry II. The occasion is marked by another consequence. The great minister resigned—not perhaps merely on this account—he had long been weary of his office; the new Pope, Innocent III., was telling him that it was unworthy of an archbishop to act as a secular judge and taskmaster. The monks of his cathedral were harassing him about the sacrilege involved in the execution of William FitzOsbert, whom he had ordered to be taken from sanctuary and hanged; and the Roman lawyers were threatening excommunication if he did not pull down the grand new college which he had built in honour of St. Thomas at Lambeth. He had had as much as he wanted of power, and as much as he could bear of blame. He therefore, in July 1198, made way for a new justiciar, Geoffrey FitzPeter, Earl of Essex, who had no such scruples of conscience and no such ecclesiastical embarrassments, but who began his administration with a severe forest assize, and by his general sternness taught the nation how good a friend, with all his shortcomings, Archbishop Hubert had been. Geoffrey FitzPeter retained his office for life, dying, as will be seen, at a critical period in the next reign.

Resignation of the Justiciar.

Geoffrey FitzPeter.

During this time Richard was engaged in foiling the projects of Philip, and drawing together the strings of a great Continental alliance against him. Alternate interviews, battles, treaties or projects of treaties, truces and truce-breakings, form the history of years, interesting only to those who care to follow the military and geographical side of the history. Philip gains strength on the whole; it would not be true to say that Richard loses strength, and he would probably, if he had lived, have completely overwhelmed his enemy. But still they were more on an equality than they had been; Philip gaining experience which was far

Richard's last years.

more valuable to him than any mere access of force. In 1198 Richard made a great step, by securing the crown of Germany for his nephew, the son of Henry the Lion of Saxony, who had been brought up at the English court, and was, of course, in the closest alliance with his benefactor. With Otho's aid he drew in all the Flemish nobles and the Low Country Germans, who hated the Hohenstaufen, and so hated their ally the King of France not only as a bad neighbour but as an ally of the Emperor. This confederation might ultimately have been successful if Richard had lived to guide it. He had at last by patient and forgiving kindness drawn John from Philip's side; he had got the King of Scots also safe under his influence.

Otho of Saxony, emperor.

In the spring of 1199 he was, as usual, in appearance negotiating a peace, probably in reality meditating a brisker war, when he heard that the Viscount of Limoges had found a great buried-treasure: a golden emperor and all his court sitting at a golden table. The very name of the gold aroused Richard: he demanded his share—the lion's share. The viscount gave, but not all. So the king besieged his castles; and before one of them, Chalus-Chabrol, he received a wound in the shoulder, which the awkwardness of the surgeons made mortal to him. He lived long enough to set his house in order. He left his jewels to Otho; John he declared his heir, and directed the barons to swear allegiance to him; he sent for his mother to receive his last words; he ordered the man who had wounded him to be set free, and declared his forgiveness of all his enemies. Then in an agony of penitence he made a very solemn and very sad confession. It was said that he had not confessed for seven years, because he would not profess to be reconciled to Philip; and he had much besides that to ask pardon for. After re-

Death of Richard, 1199.

ceiving the last sacraments he closed his laborious life on the 7th of April, and was buried with his father, by St. Hugh of Lincoln, in the abbey church of Fontevraud; a very strong man, who knew at last his own need of mercy.

CHAPTER VII.

JOHN.

John's succession—Arthur's claims—Loss of Normandy—Quarrel with the Church—Submission to the Pope—Quarrel with the Barons—The Great Charter and its consequences—Arrival of Lewis—John's death.

THE death of Richard placed John at last in the position for which he had toiled and intrigued so long; not, it is true, without a competitor, and that one whose claims were destined, after his own death, to be fatal to John's retention of half his possessions. But the competitor was for the moment in the background, and in England at least never gained a footing or gathered the semblance of a party. Arthur was now twelve years old; his mother, Constance of Brittany, who was left a widow before he was born, had been married in the year of his birth to Earl Ranulf of Chester, whom she disliked, and who, after having been married to her for some years, found himself unable to manage her, and, following the example of Henry II., imprisoned her. She was an imprudent, probably a bad woman, as her later conduct tends to show; but it may be questioned whether, in her management of her hereditary state of Brittany, she went farther than any good patriot might go in opposition to the centralising policy by which Richard carried out the schemes of his father. Anyhow she had made herself the champion of the independence

John and Arthur.

of Brittany, and so had imperilled the chances of her son's succession to the rest of the inheritance. She seems to have been in constant opposition to Richard, and likewise to Eleanor, who alone after Richard's death could have maintained Arthur's rights. It is probably for this reason that, after Richard returned from the Crusade, we never again hear of Arthur as heir; that John therefore, although personally disliked, was accepted as an inevitable necessity; and that Arthur, when he was old enough to act for himself, ruined his own cause by his wanton attack upon his grandmother.

John seems to have known that England was safely his own. He had bound the baronage by oath to agree to his succession as early as 1191; he had a faithful friend in the Archbishop of Canterbury, who transferred to him the devotion which he had always shown to Richard, and had consented to become his chancellor. He was willing to make any sort of promises to secure those of the magnates who were not already pledged to him. He spent, therefore, the first six weeks of his reign in France, making good his hold on Normandy, and providing for the maintenance of peace with Philip. Meanwhile he sent the archbishop to England, to smooth his way there and prepare for the coronation.

John secures Normandy.

The difficulties which Hubert had to encounter were not caused by the question of the succession, but by the attitude of the great earls, all of whom had something to gain by the possible reversal of that repressive policy which had been pursued for the last twenty-six years, and some of whom had on former occasions taken a leading part against John, which he might now embrace the opportunity of avenging. A reactionary feudal party, a party of personal opponents, and a body of ambitious self-seekers, might all together,

Parties in England.

if they had taken up Arthur's cause, have given John much trouble; but they contented themselves, as it was, with stating their grievances, and the archbishop was empowered to make any concessions that would appease them. The state of the country was not so peaceful as it had been during the last interregnum. The disturbers of public order took advantage of the attitude of the earls to plunder and ravage; but the strong arm of the justiciar avenged what he could not prevent, and, after a formal debate held between Hubert and the earls at Northampton, peace was restored and the promises of John accepted as conclusive at all events for the present.

On Ascension-day accordingly he presented himself at Westminster, and was there chosen, anointed, and consecrated with great splendour. On this occasion the ancient doctrine of election to the crown was vindicated in word and deed. Matthew Paris, the historian of this and the next reign, a writer who hated John with inveterate hatred, and who has therefore been suspected of having inserted in his work some things which never took place, has put in the mouth of the archbishop a somewhat elaborate speech, in which he declares that the crown of England is elective rather than hereditary, and that John's title to the succession lies in the fact that he has been chosen king, as the first and strongest and most famous of the royal house. That some declaration of the kind was made is certain, for it is quoted by Lewis of France in the manifesto issued when he landed in England in 1216; but the historian draws suspicion upon his own account of it by saying that Hubert had a prophetic foresight in doing this; that he foresaw John's misrule and insisted on his elective title as one that might be set aside hereafter. But in whatever terms the fact of the election was stated, and whether the claim of Arthur was denied

John's coronation.

or passed over in silence, it is important as showing the accepted doctrine of election in the thirteenth century. Arthur, according to the principles of inheritance of fiefs, as they were now admitted in England, was clearly his uncle's heir. The election of John was, and perhaps was understood to be, a recurrence to the older rule by which the national choice of a king was directed to the ablest or eldest or most prominent member of the royal house.

Coronation oath.

Although we have a detailed account of John's coronation we find no mention of a charter, such as Henry II. and Stephen had issued. Richard had not issued one, but had contented himself with the three strong promises included in the coronation oath—to defend the Church, to maintain justice, and to make good laws, abolishing evil customs. John did the same; and, as the oath was again required of him after his reconciliation with Langton in 1213, we may without hesitation infer that no charter was granted at the coronation.

Arrangement of the chapter.

The history of John's reign may conveniently be arranged in three divisions, which fall into a nearly chronological sequence; first, the foreign relations, including the war with Philip, the fate of Arthur, and the loss of Normandy; secondly, the dispute with the clergy, and the interdict and submission to Rome; and thirdly, the events that led to and flowed from the granting of Magna Carta. In each of these divisions of our period we find certain persons coming to the front as the mainstay of John's power, at whose death that power, in one region or another, seems at once to suffer collapse. Of these the first is his

Queen Eleanor.

mother, the great source and prop of his Continental position. Of her character enough has been said already; her better points come out most strongly in her old age, when we see her, between

seventy and eighty years old, running about from one end of Europe to another to patch up truces, to make peaces, and to close wars which sprang mainly out of her own levity and intriguing of half a century past. She had engaged in a lifelong quarrel with her first husband in 1150, and with her second in 1173; now in 1200 she fetches a granddaughter of the second to marry the grandson of the first, as a pledge of harmony between the sons of the two. John's fortunes are not wholly hopeless until he loses his mother.

Richard's unexpected death occurred during a negotiation for peace with Philip; and John succeeded at once, just as Richard himself had done, to the whole accumulation of dynastic and territorial grievances, which had been mounting up for fifty years; with the addition of Arthur's claims, which gave Philip the opportunity of interfering in every possible question. Before the coronation these claims had been raised; Philip had determined to be beforehand, and had seized the city of Evreux on the receipt of the news of Richard's death. At the same moment the barons of Anjou, Maine, and Touraine had declared Arthur their count, and Constance had delivered him bodily into Philip's keeping. John, in revenge for this, had destroyed the walls and imprisoned the citizens of le Mans, which he regarded as the stronghold of Arthur's party. He returned to Normandy directly after the coronation, on June 20, and made a truce with Philip for two months, during which Philip accepted Arthur's homage for all the Continental estates of the family and constituted himself his champion. Immediately on the expiration of the truce the kings met again, and Philip then proposed by way of compromise that John should retain Normandy, and Arthur have the remaining states, Philip himself receiving the Vexin as a remuneration for his good offices in

Arthur's claims in France.

thus arbitrating. John refused this, and war broke out again, in which Philip showed himself so much more anxious for his own interest than for Arthur's that the unhappy boy allowed himself to be removed from Philip's protection and placed under John's. He discovered his mistake, however, almost instantly, and fled from his uncle's court to Angers, in company with his mother, who took the opportunity of finally breaking with the Earl of Chester, and, without waiting for a divorce, bestowed herself in marriage on Guy, a brother of the Viscount of Thouars.

Upon this John and Philip made a fresh truce which grew into a peace, by which Arthur's interests were finally sacrificed, and which was cemented by the marriage of Blanche of Castille, John's niece, to Lewis, the son and heir of Philip. This was accomplished in May 1200. Philip's matrimonial difficulties, which arose from his wanton repudiation of his second wife, Ingeburga of Denmark, exposed him at the time to a threat of interdict, and he probably thought it wise not to have both John and Innocent III. arrayed against him at once. John, seeing the marriage laws practically in abeyance, had taken advantage of the objection which had been raised by Archbishop Baldwin to his marriage, and released himself from his wife, Hawisia of Gloucester, on the ground of relationship. Now, inspired either by love or territorial covetousness, he married Isabella, the child-heiress of the Count of Angoulême. This marriage offended, on the one side of the Channel, Hugh of la Marche, who was betrothed to her, and on the other side the great kinsmen of the house of Gloucester, and the lady Hawisia herself, who subsequently married Geoffrey de Mandeville, one of the bitterest of John's enemies.

Peace between John and Philip, 1200.

John's marriage.

The peace did not last longer than Philip's domestic

difficulties, which came to an end on his consenting to receive back Ingeburga. Mischief began in 1201, both on the Norman frontier, where Hugh de Gournay played fast and loose between the kings, and in Poictou, where the barons were excited by the Count of la Marche to rebel against the severe repression exercised by John. The next year Philip summoned courage to call John before his court of the peers of France to answer the charges of the Poictevins, and on his non-appearance declared him to have forfeited his fiefs. Arthur, who was now fifteen, and who had lost his mother the year before, thought that this was his opportunity. He mustered his forces and attempted to seize the old queen Eleanor in the castle of Mirabel. Instead of taking her he was defeated and captured by John, who imprisoned him, and in whose hands he died, how we know not, on April 3, 1203. Philip did not hesitate to declare John the boy's murderer; he held another court upon him, and again sentenced him to forfeiture. This time he undertook the execution of the sentence himself. He invaded Normandy, and took city after city. John did not raise a hand in its defence, and quitted the duchy finally in November. The next year, 1204, saw Anjou and the rest of the patrimony in Philip's hands; the loss of most of Guienne followed. Eleanor died on April 1, 1204, and on her death John's cause became hopeless. He did little or nothing to redeem it. In 1206 he tried to recover Poictou, but was obliged to purchase a truce by resigning his claims on the northern provinces; and in 1214, as a part of a general scheme of attack upon Philip, in which he had the support of Flanders and the Empire, he made another expedition, but it also ended in a truce by which some small fragments of Eleanor's inheritance were preserved to her grandchildren.

Forfeiture of Normandy.

Death of Arthur.

Loss of Normandy and Anjou.

Thus then, after a union of a hundred and forty years, Normandy was separated from England. During a portion of those years,—the reigns of William Rufus and part of that of Henry I., —they had been under different rulers, but they had been administered on the same principles and for the same interest all the time. The English had been ruled by Norman lords; their laws, institutions, customs, had been remodelled under Norman influences. But they had grown under and through the discipline. So far as English and Normans united, the Norman element gave strength, order, discipline to the English; so far as they were in opposition the Norman tyranny had called forth in the English patience, perseverance, and a sense of nationality which they had not shown before. The people had had to make common cause with the king against the Norman feudalism, and they had done this until their support became absolutely necessary to the royal power. Gradually the baronage were learning the like lesson; disciplined and educated under the royal training, they were finding that they were one in interest with the people; and that, as the royal power was becoming too great for either, the two might in time combine to curb it. They were becoming themselves more English—more English perhaps in blood, more English in the possession of English lands and by the gradual devolution of Norman lands into other hands; ready to be quite English when once they lost their Norman incumbrances. So when the time came for the barons who had lands in both countries to make their choice between John and Philip, the division was effected with little noise and less trouble. The Norman barons and prelates gave up their English lands, and the English—for henceforth these have a right to the name of English—barons and prelates gave

Separation of England and Normandy.

up their Norman lands. There was very little internal division in Normandy itself, and Walter of Coutances, who had been Richard's prime minister and justiciar, died a contented subject of Philip. The separation did much for England. Henceforth the king is mainly if not solely King of England, and the welfare of England the main if not the sole object of English counsels. It was Normandy that, by the exchange of masters, lost the share of the benefits won from John. Yet Normandy was for ages freer than the rest of France, in consequence of her early discipline under the house of Rollo, one part of which was the policy which made her run in harness with the English people. But to detail all the benefits of the separation would be to anticipate very much of the later history.

No sooner was Normandy lost than John's ecclesiastical troubles began; and they began in the most dangerous way, for the very event that caused them robbed him of the only counsellor he had who could have guided him safely through them. Hubert Walter, the Archbishop of Canterbury—whose career we have traced first as a chaplain to Henry II., then as Bishop of Salisbury, counsellor, captain, and chaplain to the third Crusade; then as Chief Justiciar of England, Archbishop of Canterbury, and legate, making laws and canons, leading armies, administering justice, collecting taxes, under Richard; and lastly, acting as Chancellor to John from the coronation to his death—Hubert Walter died on July 12, 1205.

Death of Hubert Walter.

The appointment to the archbishopric had been for many years a vexed question. The monks of Christ Church, Canterbury, claimed the right of free election; they were the chapter of the cathedral, and had the same right as any other chapter to elect their prelate. It was a right that was

Disputed election at Canterbury.

distinctly recognised by the canon law, had been granted by Stephen's charter, and had been so far made good at each change in the primacy that certain forms of election by them had been required as needful to the validity of the appointment. But the bishops of the province of Canterbury, whose chief and judge the archbishop was, also claimed a right in the election, partly on mere grounds of equity, but partly also on the ground of a prescription which, based on the precedent of the Anglo-Saxon councils, had given them an active influence on each occasion since the reign of Henry I. And besides these the king had his right; the Archbishop of Canterbury was his chief constitutional counsellor, the counsellor of whom he could not rid himself without breaking at once with religion and state custom. The king had generally since the Conquest nominated the archbishop, sometimes with and sometimes without the co-operation of the other two bodies, but always practically by his own fiat: and the pacification between Henry I. and Anselm had contained an admission that the homage of the archbishop elect to the king was necessary to the full right to exercise his constitutional power. Usually, however, as was generally done where the canon law and national law ran counter or overlapped one another, the end in view was secured by adroit management, saving the rights of each party for the time. The quarrel on this occasion began with the monks of Canterbury.

This famous convent, which deserves on more than one occasion credit for having set a courageous example of opposition to tyranny, was a very ambitious and disorderly body; and just at this moment, having compelled Archbishop Hubert to pull down his grand new church at Lambeth, they, or a part of them, were quite intoxicated with conceit. It was

Election of the sub-prior.

always a great object with them to have a monk for archbishop; such a leader would extend their privileges and foster their ideas of independence. So now, during the night following Hubert's death, the younger monks—no doubt a majority of the body—elected the sub-prior, Reginald, as archbishop, and, without asking the royal consent, sent him off at once to Rome to ask for the archiepiscopal pall and consecration. No sooner had Reginald crossed the Channel than, forgetting the promise of secrecy with which his electors had bound him, he gave out that he was the new archbishop, and the news came back to England.

John was very angry; he had intended his minister John de Gray, Bishop of Norwich, to be Hubert's successor; the bishops were angry because their prescriptive and equitable right was disregarded; the senior monks were angry because they had been betrayed by the juniors, and the juniors because Reginald by his imprudent vanity had caused the premature discovery of their schemes. So all parties appealed to the Pope; and John, without waiting to hear what became of the appeal, had his nominee elected and put in possession of the estates of the see.

Nomination of John de Gray.

We can hardly doubt that, if John had had an adviser like Hubert, he might have tided over the difficulty, but now he plunged deeper and deeper, and at last lost his footing altogether. The Pope let the appeals drag on their weary length. He suffered all the contending bodies to spend their strength and their money, and to involve and compromise themselves as much as they chose. Then after a year and a half he decided the cause. The bishops, he said, had no standing-ground; the canonical electors were the monks of the chapter. The sub-prior Reginald was rejected because he had not been canonically chosen; John de

Conduct of Innocent III.

Gray was rejected because he had been elected whilst an appeal was pending. The course was, therefore, clear. The monks were the electors; their proctors, now at the Court of Rome, had full power from them to elect, and the king had promised to confirm their choice, having secretly agreed with them to elect only John de Gray; for thus he had tried to impose on the Pope, sending at the same time large sums of money to clear the eyes of the Pope's advisers. Innocent III., however, was very wide-awake, and John's insincerity had put his game in his own hands. It was of no use, he said, to waste time. If they all went back to England they would have to come to Rome again for the confirmation of the election and the gift of the pall. They all had full powers—why should it not be done pleasantly and on the spot? He had a man fit for the place—an Englishman, the first scholar of the day, a cardinal, in whose favour John had more than once written to him on other occasions; let them elect him, he would confirm and consecrate him, and then all would be done. Whether Innocent really expected that John would submit to this we cannot say; probably not. But he did it. Only one of the monks objected, and reminded his brethren of their obligation to the king; the rest, relying on their powers from the king and convent, and overawed by the dignity and urgency of Innocent, elected Langton. Innocent immediately wrote to John to report the decision and ask him to receive Langton as archbishop. John was furious—refused, threatened, and blustered. The Pope, in reply, declared that he had done no more than was his duty to the widowed Church, and, in June 1207, consecrated the archbishop.

Consecration of Stephen Langton, 1207.

John was obdurate: proposal after proposal was made, offer after offer; letter followed letter, embassy followed

embassy. John seized the possessions of the convent of Christ Church and threatened to wreak vengeance on the monks. Then the Pope answered threat with threat: if John did not receive the archbishop the kingdom must be laid under interdict. It would then be unlawful to perform the services of the Church, the dead would be unburied, the sacraments would cease to be administered, or would be celebrated only in private; the people would be forced by the want of spiritual necessaries to compel the king to compliance. Still he held out, and in March 1208 the interdict was proclaimed. He then declared that he would be avenged on the bishops; many of them fled, and he seized their lands. Again, after a while, negotiations were resumed. Langton came to Dover to meet the king, but John would not face him. The Pope threatened personal excommunication; if that were not effective, it should be followed by a Bull of deposition and the absolution of the English from their obedience. If that were done, the execution of the sentence would be committed to one who would be only too glad to add England to his dominions, and to gratify the hatred that he had nursed for so many years, even to Philip of France, the conqueror of Normandy and Anjou.

The Interdict, 1208.

For a long time John showed himself impenetrable. He was quite content that his people should be deprived of the sacraments, that the clergy should be exiled, that the whole administration of the country should be paralysed, almost as it had been in the days of Stephen. Even the terrors of personal excommunication had been too lavishly used of late to make much impression, for Philip had thriven under the anger of Innocent, and John had at this very moment his nephew, the Emperor Otho, a partner in the tribulation. The threat of deposition might be a mere threat; it

John's obduracy.

would be very strange if the Pope should prefer the King of France to the King of England; and, if he did, John had a great army and fleet and treasure.

But if he thought that Innocent III. would be swayed either by the ordinary motives of Popes or by the ordinary aims of policy, he was much mistaken. That great Pope had set before himself a grand purpose of righteousness as it appeared to him; he was ready to set up the Hohenstaufen again and to depress the Welf, and to set Philip, the ally of the Hohenstaufen, and the husband of Ingeburga, above the other kings of the West, if he could gain his object. Innocent persisted. His legates openly warned John what the result would be if the sentence of deposition were to issue; and their words came true. John found or fancied himself involved in a web of conspiracy; warnings reached him from Wales and Scotland that his enemies were intriguing all around him, that he and his children would be put out of the throne and a new race of kings brought in. Then arose Peter of Wakefield and prophesied that on the next Ascension-day John should be a king no more. Then came the news that Philip was equipping his fleet. So the man whom neither spiritual nor temporal weapons could bring to submission, moved by the prophecy of an impostor, lowered his flag and made the most abject submission that any king of the English has ever made.

Persistence of Innocent.

Panic of John.

On the 15th of May, 1213, he met Pandulf, the Pope's subdeacon and envoy, at Ewell, near Dover, and swore fealty to the Pope; he consented at last to receive Langton, to restore the bishops and the monks of Canterbury, and indemnify them for their wrongs: he would do all that was asked of him, hold his kingdoms as fiefs of the Apostolic see and pay tribute for them.

The barons and people looked on in amazed acquies-

cence; they did not, it would seem, all at once realise the shame of the transaction, or see that for them to be vassals of the Pope's vassal was to sink a long step in the scale of freedom, whether political or ecclesiastical. They acquiesced, some gladly welcoming any solution of the difficulty, some, we are told, with grief and shame. And so that part of the drama of the reign ends.

John made friends with the Pope; but the struggle had thrown the Church into an attitude of opposition to the crown in which she had never stood since the Conquest. It was a providential determination, by which the clergy—who, with the people, had hitherto supported the royal power against the barons—were, just at the moment that the royal power was becoming dangerous, dislodged from the side of the crown and almost compelled to make common cause with the baronial party and the people; awaking all at once to the need of common action, mutual forbearance, and the sense of national unity. Such was the effect of the struggle. Henceforth the Church in union with the barons and the people helps to limit the power which in the earlier days she had striven to strengthen.

Political result.

But the very moment that closes the ecclesiastical quarrel begins a new one—the baronial quarrel, which opens the way for the vindication of national liberty and the consolidation of constitutional life, as typified by Magna Carta. To realise this we must glance back for a moment to the beginning of the reign, and recur to the negotiations which Archbishop Hubert had had with the earls before he obtained their consent to receive John as king, and the promise he had made that all their lawful demands should be satisfied. What those demands were we cannot tell exactly; probably they wanted the custody of their own castles and some other privileges of which they had

The baronial quarrel.

been deprived by the strong government of the late king, for he had no doubt availed himself of every plea to restrict their forest privileges and perhaps to extend the royal right of wardship. It is from Magna Carta itself, rather than from the historians who have told the story, that we gather the nature of their grievances. The promises made at Northampton in 1199 had never been fulfilled; in 1201, when the earls repeated their demands, John replied by laying his hands on their castles and by compelling them to surrender their heirs as pledges of their good behaviour. Matters had after that gone on from bad to worse. Not content with insisting on the feudal service of the knights, he had increased the rates of carucage and scutage, the two great imposts that affected the land, and multiplied the occasions of the exaction. Year after year he had collected his forces as if for a French war, had brought them to the coast at great expense, and then exacted money from the barons as the price of their discharge. He had not led them to battle; he had let Normandy fall out of his hands, he had spoiled them and put them to shame, implicating them in his own cowardice. Year after year taxation increased, whilst the king and the kingdom became more really helpless; for all Englishmen hated his hosts of mercenaries, and distrusted his project of creating a fleet which, far more than any national army, would be at his own absolute disposal. And this went on until, in 1207, he began to plunder the clergy, thus giving a respite to the people and the barons. Whilst the king could maintain himself by confiscation and plunder of the clergy he abstained from confiscation and plunder of the laity; and this partly accounts for the equanimity with which the interdict was borne. Men acquiesced in the loss of their religious rights so long as they were in a manner compensated by immunity from taxation. The interdict, too, paralysed national action.

John was unable to conduct anything like a great war as long as that blight lay upon the land; he could attack Wales or Ireland or Scotland, but he could not attack France, under the circumstances; and he was not by any means idle now, what few military successes he did achieve being won against the Irish. For the nation this state of inactivity was less destructive, less expensive than war. So, until the crisis of 1213 came, the barons sat still; they had no eminent leader; Geoffrey FitzPeter, the man in whom as a statesman they had the most confidence, was the king's prime minister and justiciar. This, then, was the state of things when the pacification at Ewell put an end to the national paralysis, promised the restoration of the Church, a successful resistance to Philip, and possibly a recovery of the royal inheritance across the Channel.

The first token of the new life immediately showed itself. It was necessary that some delay should take place before the interdict was taken off. By the principles of law the injured persons must be replaced in their rights before the constraining measures could be suspended. Langton must be received before the king was absolved, the bishops must be indemnified for their losses before the interdict could be relaxed. John did not see this; he knew that Philip was preparing for an invasion; he demanded the feudal support of his vassals for a French war; they replied that they would not serve under an excommunicated king. John was provoked, but obliged to wait. In July Langton landed, came to Winchester and absolved the king, exacting from him an oath to observe the promises made at his coronation, to maintain good laws and abolish evil customs. John, now absolved, renewed his command to the barons, and they declined to join in an expedition which took them away from England. Within

Refusal of the barons to serve.

the four seas they would serve, as bound by their tenure, but abroad they would not go. They did not trust the king or believe that it was possible to recover Normandy. John was savagely wroth. Time was being lost. Philip was gaining strength. True, his fleet had been destroyed, and the Pope had withdrawn his commission, but there were abundant causes of enmity, and at last perhaps the desire of revenge was uppermost. But John always revenged his wrongs on the guiltless and neutral; he determined, whilst his ministers were arranging for the suspension of the interdict, to go into the North of England and punish the barons, for they were chiefly the Northern barons who had refused to follow him. He set off at full speed, and Langton after him, to persuade him to let the matter be settled by the lawyers. At Northampton the archbishop overtook him and convinced him of the folly of his threats; he went north, however, as far as Durham, and then returned rapidly to London, where in the month of October he met the papal legate Bishop Nicolas of Tusculum, who had come to receive his formal homage, and did homage to him as the Pope's representative.

John's journey to the North.

During this hasty journey to Durham and back events ever memorable in English history had taken place. On the 4th of August the justiciar Geoffrey Fitz-Peter held a great assembly at St. Albans, at which attended not only the great barons of the realm but the representatives of the people of the townships of all the royal estates. The object of the gathering was to determine the sum due to the bishops as an indemnity for their losses. There no doubt the commons and the barons had full opportunity of discussing their grievances, and the justiciar undertook, in the name of his master, that the laws of Henry I. should be put in force. Not that they knew much about the

Appeal to the laws of Henry I.

laws of Henry I., but that the prevailing abuses were regarded as arising from the strong governmental system consolidated by Henry II., and they recurred to the state of things which preceded that reign, just as under Henry I. men had recurred to the reign and laws of Edward the Confessor. On the 25th of the same month the archbishop, at a council at St. Paul's, actually produced the charter issued by Henry I. at his coronation, and proposed that it should be presented to the king as the embodiment of the institutions which he had promised to maintain. Upon this foundation Magna Carta was soon to be drawn up. Almost directly after this, in October, the justiciar died; and John, who had hailed the death of Hubert Walter as a relief from an unwelcome adviser, spoke of Geoffrey with a cruel mockery as gone to join his old fellow-minister in hell. Both had acted as restraints on his desire to rule despotically, and the last public act of Geoffrey FitzPeter had been to engage him to an undertaking which he was resolved not to keep.

But matters did not proceed very rapidly. It is more than a year before we hear much more of the baronial demands. The new legate showed himself desirous to gratify the king; and although the Northern barons still refused to go on foreign service, he managed to prevent an open struggle. The king went to Poictou in February 1214, and did not return until the next October. In the meanwhile the damages of the bishops were ascertained and the interdict taken off on the 29th of June. The war on the Continent occupied men's minds a good deal. Philip won the battle of Bouvines over the forces of Flanders, Germany, and England, on the 27th of July; and John did nothing in Poictou to make the North Country barons regret their determination not to follow him. The great confederacy against Philip which Richard had planned,

John goes to France, 1214.

and which John had been labouring to bring to bear on his adversary, was defeated, and Philip stood forth for the moment as the mightiest king in Europe.

Disappointed and ashamed, John returned, resolved to master the barons, and found them not only resolved but prepared and organised to resist him, perhaps even encouraged by his ill success. They had found in Stephen Langton a leader worthy of the cause, and able to exalt and inform the defenders of it. Among those defenders were men of very various sorts; some who had personal aims merely, some who were fitted by education, accomplishments, and patriotic sympathies for national champions, some who were carried away by the general ardour. In general they may be divided into three classes: those Northern barons who had begun the quarrel, the constitutional party who joined the others in a great meeting held at St. Edmund's, in November 1214, and those who adhered later to the cause, when they saw that the king was helpless. It was the two former bodies that presented to him their demands a few weeks after he returned from France. He at once refused all, and began to manœuvre to divide the consolidated phalanx. First he tried to disable them by demanding the renewal of the homages throughout the country and the surrender of the castles. He next tried to detach the clergy by granting a charter to secure the freedom of election to bishoprics; he tried to make terms with individual barons; he delayed meeting them from time to time; he took the cross, so that if any hand was raised against him it might be paralysed by the cry of sacrilege; he wrote urgently to the Pope to get him to condemn the propositions, and excommunicate the persons, of the barons. They likewise presented their complaints at Rome, resisted all John's blandishments, and declined to relax one of their demands or to give up one of their precautions.

The party of the barons.

Negotiations ceased, and preparations for war began about Easter 1215; the confederates met at Stamford, then marched to Brackley, Northampton, Bedford, Ware, and so to London, where they were received on the 24th of May. The news of their entry into London determined the action of those who still seemed to adhere to the king, and they joined them, leaving him almost destitute of forces, attended by a few advisers whose hearts were with the insurgents, and a body of personal adherents who had little or no political weight beside their own unpopularity.

March of the barons.

Then John saw himself compelled to yield, and he yielded: he consented to bind himself with promises in which there was nothing sincere but the reluctance with which he conceded them. Magna Carta, the embodiment of the claims which the archbishop and barons had based on the charter of Henry I., was granted at Runnymede on June 15, 1215.

Magna Carta.

Magna Carta was a treaty of peace between the king and his people, and so is a complete national act. It is the first act of the kind, for it differs from the charters issued by Henry I., Stephen, and Henry II. not only in its greater fulness and perspicuity, but by having a distinct machinery provided to carry it out. Twenty-five barons were nominated to compel the king to fulfil his part. It was not, as has been sometimes said, a selfish attempt on the part of the barons and bishops to secure their own privileges; it provided that the commons of the realm should have the benefit of every advantage which the two elder estates had won for themselves, and it bound the barons to treat their own dependents as it bound the king to treat the barons. Of its sixty-three articles some provided securities for personal freedom; no man was to be taken, imprisoned, or damaged in person or estate, but by the judgment of his peers and by the law of the land. Others fixed the rate

of payments due by the vassal to his lord. Others presented rules for national taxation and for the organisation of a national council, without the consent of which the king could not tax. Others decreed the banishment of the alien servants of John. Although it is not the foundation of English liberty, it is the first, the clearest, the most united, and historically the most important of all the great enunciations of it; and it was a revelation of the possibility of freedom to the mediæval world. The maintenance of the Charter becomes from henceforth the watchword of English freedom.

Attempts to annul the Charter.

The remaining sixteen months of John's reign were a mere anarchy, of which it would be difficult to unravel all the causes. In the first place may be counted the savage wrath of the king at being thus defeated and fettered; then the unfortunate interference of the Pope, who quashed the Charter by a Bull of August 25, and on December 16 anathematised the barons singly and collectively; he also peremptorily suspended Archbishop Langton for his share in bringing about the result.

But we are not to lay all the blame of what followed on John. It is true that within a few weeks after the crisis he had thrown off all semblance of compliance, but the barons were elated with their success, and showed very little moderation. They trusted him no more than he trusted them. They divided the country among their chiefs, some with the idea of enforcing the Charter, many no doubt with the desire of humiliating the king. Langton's departure for Rome left them without the prudent, sincere, and honest English counsel that was needed for the successful vindication of the national cause, and gave the chief place amongst them to men who had personal wrongs to avenge and personal objects to attain. Hence the great body that had united

to produce the Charter broke up into its former elements; some returned to the king's side, the more violent intrigued with France and Scotland.

John showed himself incapable of using his opportunity. The Earl of Essex, the husband of his first wife, took the lead on the baronial side; but Robert FitzWalter and Eustace de Vescy, two of the second rank, were leagued with Philip, and under their influence John was declared to have forfeited his crown. Lewis, the heir of France, was selected to be the king of the English. War could be delayed no longer. The barons began by besieging the castles of Northampton and Oxford. John brought up his mercenaries to besiege Rochester, a castle which the confederates held in the name of the absent archbishop. He had the first measure of success, and, in spite of the attempt of the barons to relieve Rochester, captured it, showed a politic mercy to its defenders, and then traversed the South of England, securing the population as he went. He kept Christmas at Nottingham, then marched north and seized Berwick, striking consternation into the Scots. The Earl of Salisbury, his half-brother, commanded in the Midland district, and London became the last and almost the only refuge of the malcontents. Colchester was taken by the king in March 1216; and up to this point he exhibited military skill and energy that shows him to have been not entirely devoid of the qualities of his father and brother.

The Crown offered to Lewis.

John's successes.

But now a new actor appears. Lewis, after a long delay, arrived in England in May, and at once gave spirit and consistency to his party. John retired before him and took up a position at Winchester. Lewis marched by Canterbury to London, and there received the homage and fealties of his friends. In spite of the sentence of excommunication actually passed

Success of Lewis.

upon him and his adherents by the new legate, Gualo, he then marched on Winchester, John retiring still; took Winchester, and besieged Windsor and Dover. The Northern lords joined him first, then the great earls, even the Earl of Salisbury himself. John was desperate; he roved up and down the country at the head of his banditti, burning and plundering and slaying; whilst Lewis was gathering strength and friends every hour. At last, on October 19, death overtook the king at Newark. From that very day the strength of Lewis, which was based on the popular and baronial hatred of John, began to decline. It melted away as quickly as it had grown, and in less than a year he was obliged to make peace and leave England alone. John ended thus a life of ignominy in which he has no rival in the whole long list of our sovereigns. There is no need to attempt an elaborate analysis of his character. History has set upon it a darker and deeper mark than she has on any other king. He was in every way the worst of the whole list: the most vicious, the most profane, the most tyrannical, the most false, the most short-sighted, the most unscrupulous.

Death of John.

There was an old legendary prophecy, spoken in a dream by an angel to Fulk the Good, Count of Anjou, when he had in an ecstasy of fervent charity carried on his shoulders a leprous beggar for two leagues to the church of Marmoutier. He was told that to the ninth generation his successors should extend the bounds of their dominion until it was immensely great. The prophecy had been fulfilled—to Anjou had been added Maine and Normandy, Aquitaine and England; Palestine too was ruled by his descendants; and at last, in the person of Otho IV., the seed of the good count had reached the summit of earthly ambition. But the time fixed by the legend was come. John was the representa-

tive of the last generation, with which the blessing ended, and the inheritance of Fulk the Good passed into other hands.

CHAPTER VIII.

HENRY III.

Character of Henry—Administration of William Marshall—Hubert de Burgh—Henry his own minister—Foreign favourites—General misgovernment—Papal intrigue and taxation.

THE reign of Henry III. is not only one of the longest but one of the most difficult in English history. It contains more than one great crisis, and coincides in time with an epoch of vast progress; but the critical importance is by no means equally diffused, and the rate and fashion of the progress are matter for minute study, rather than for vivid illustration. The reign covers more than half of one of the most eventful and brilliant centuries of the world's history; a century made famous by the actions of some of the greatest sovereigns, the most illustrious scholars, the wisest statesmen; the most noble period of architecture; the last act of the Crusades, the last struggle of the Papacy with the yet undiminished strength of the Empire. The life which, on the Continent, runs in these streams is not without its purpose in England.

England also looks on the thirteenth century as her great architectural age, the age of her great lawyers and some of her greatest divines. She also has her weight in European affairs, her struggles with the Papacy, her attempts at sound government. But the real interest of English history lies in minute constitutional steps of progress, which are to be estimated rather by their later and united effects than by the actual and momentary appear-

ance of growth. For during this time England has no guiding or presiding genius. Her king is a man by no means devoid of all the picturesque qualities of his forefathers, and possessed of some negatively good qualities which they had not; but on the whole a degenerate son of such great ancestors, degenerate from their strength and virtues as well as from their faults and vices. Henry III. is perhaps a better husband and father, a more devout man, than any of his predecessors; he is not personally cruel or regardless of human life; he has no passion for war, no insatiable greed for the acquisition of territory, such as in the case of his ancestors had cost so much bloodshed. He is content for the most part to be king of England, and his success in retaining some part of his Continental dominion is the result far more of the honesty of his adversary than of any ambition, skill, or force of his own. In these respects England might have been expected to fare better under Henry than she had done under John or Richard or Henry II.; better even than she was to fare under Edward I.; yet she can scarcely, even viewed in the results, be said to have done so. The long reign was a long period of trouble, suffering, and disquietude of every sort. We have no reason to suppose that Henry was deficient in personal courage or in skill in arms such as a brave knight might possess without being a great captain in fieldwork or in sieges; or that he was wanting in the desire to be thought a splendid and magnificent sovereign—as, indeed, he was thought—for he reaped the advantage of the political position which Henry II. had planned, and he outlived the greater princes whose power and character and career had thrown his own into the shade. Yet England did nothing great in his time, except as against him. He had no great design, no energetic purpose. He was not

Character of Henry III.

strong enough to be true, although he was strong enough to be pertinacious, resolute enough to be false. He was vain and extravagant; and this, with the exception of his falseness, is the worst that can be said of him. Hence, whilst he could not inspire love or loyalty, he could inspire hatred, and hatred is not, in the case of kings, as is so often said of the feeling in the case of lower men, incompatible with contempt: a king may inspire both feelings, and be despised for moral weakness and iniquity, whilst he cannot safely be contemned altogether, because of his great power to cause mischief. Then, vanity and extravagance, which are minor faults in a man with strong purposes, become aggravations and incentives to hatred in a man whose other motives and purposes are weak. Henry III. was well hated. His life, good or evil, had no gloss or glitter upon it: it was mean in the midst of its magnificence; it was wanting in the one element that leads men to respect, even where they fear and blame, the character of reality or 'veracity to a man's self.' There was no purpose, as there was no faith in it.

Fifty-six years of such a king cannot but be a wearisome lesson to the reader, if the eye rest on the king only or on the circle of events of which he is the centre; and, to a certain degree, in these ages in which we have to depend chiefly on the historians of the time, with little help from other sorts of literature, the king is necessarily the centre of every circle. The monotony of detail may, however, be broken by arranging the reign in four divisions. Henry was nine years old when he began to reign. The first portion, then, comprises the years of his minority, and may be regarded as closing about the year 1227, although, as the influence of his early ministers continued to affect him for some years longer, that date is not a very distinct limit. The second

Division of the reign.

division comprises the years of his personal administration, during which he mismanaged matters for himself; and which end at the year 1258, when, having brought affairs to a dead lock, he was obliged to consent to be superseded by a new scheme of government embodied in the Provisions of Oxford. The third period includes the years of eclipse, from 1258 to 1265, when the battle of Evesham gave him again the power as well as the name of king. The last period contains the seven years intervening between the battle of Evesham and the king's death, and depends for its historic interest entirely on the fact that it witnessed the results of the great struggle—the clearing of the board after the crisis of the game was past.

Returning now to the state of affairs in October 1216, when John had just finished his suicidal career at Newark, we find the kingdom to a very great extent in the hands of the party pledged to support Lewis, the enterprising prince to whom the French have not hesitated to attribute the title of the Lion, or the Lion-hearted. This party comprised nearly all the baronage, for John's insane behaviour during the last year had dispersed the friends whom after the granting of Magna Carta he had gathered to his side; even his brother William, Earl of Salisbury, had gone over to the enemy. Lewis's party had, however, only one point of union, the hatred and distrust inspired by John; and when John was once removed, the disruption of the party and the expulsion of Lewis were sure to come in time. It was certain that all real national feeling would take part against a foreign king; that all the desires for free and ancient institutions and good government would have a much better chance of contentment in the prospect of the reign of the child Henry; and that even the party among the barons which still clung to the

Accession of Henry III.

feudal ideas of government would have a much better opportunity of regaining its coveted influence through him than through Lewis. But the cause of the child was at first sight very weak. John had driven all the strong men from his side; and Archbishop Langton, on whom the defence of what was now become the national dynasty would properly have devolved, was at Rome, in temporary disgrace. It may be fairly said that had not the Roman legate Gualo taken up a decided line, had not Honorius IIIth seen his way to reconcile the rights of the nation with the maintenance of the Plantagenet dynasty, Lewis must for the moment have triumphed, and England would then have had to win her freedom by a mortal struggle with France. But Gualo was staunch. The great Pope who had committed England to him was just dead, but Honorius III. was no more likely than Innocent to be satisfied with half-service; and the legate saw that both his own prospects of advancement and the credit of the Roman see were involved in the success of this administration. With him was Peter des Roches, the Bishop of Winchester, whom John had made justiciar after the death of Geoffrey FitzPeter. He was a Poictevin who had been transformed from a knight into a bishop with few qualifications and little ceremony; but he was faithful to John and to his son, and he was the representative man of the foreign party at court, which stood chiefly if not solely by personal attachment to the king. There were two or three other bishops who had won their places in John's chancery, the Earl Ranulf of Chester, nearly the last left of the great feudal aristocracy of the Conquest; William Marshall, the Earl of Pembroke, now growing old, who had been the intimate friend of the younger Henry, who had been a justice and regent under Richard, who had helped to set John on the throne, and had re-

Henry's party.

mained personally faithful to him to the last, although his own sons were on the side of the barons.

This little party had the child crowned on October 28, at Gloucester; and on November 12, at Bristol, re-issued the Great Charter in his name, with some important omissions. They did not venture at so critical a time to renew the articles which placed taxation in the hands of the national council or defined the nature of that assembly; but in the final clause of the document these articles were declared to be suspended only because of the urgency of the times. The guardianship of the king and what little remained to him of the kingdom was placed in the hands of William Marshall, and the bishops and barons swore fealty to Henry, as his contemporaries called him—Henry IV., or Henry of Winchester, the son of King John. The office of guardian for an infant king had never yet been needed in England, at least since the days of Ethelred the Unready, and all that we know of the present arrangement is that it was made in the council, and with the acquiescence of the legate. The title that William Marshall took was 'governour of the king and kingdom.' We might have expected that the queen-mother would have been guardian of the person of the king; but he had no near male kinsman to take charge of the kingdom, according to the reasonable rule that the defence of the inheritance belongs to the nearest heir, that of the person to the nearest relation who cannot inherit; and accordingly the wardship of both was entrusted by the national council to a chosen leader. No other in age, dignity, experience, or faithfulness came near the Earl of Pembroke.

The Charter re-issued.

The struggle with Lewis covers the first year of the reign. Winter was too far advanced at the time of the Bristol Council for much active warfare, and a truce was

as usual concluded for the Christmas season, purchased by the surrender of some of the royal castles. Before the new reign began Lewis's side had lost two of its representative men—Geoffrey de Mandeville, Earl of Essex, the leader of the old baronial party, and Eustace de Vescy, who had conducted the intrigues with Scotland and France which had brought about the present complication. The greatness of Lewis's early success and the haughty assumptions of his French followers were already disgusting the barons, and those who had no cause to despair of pardon were contemplating adhesion to Henry. The year 1217, however, began with brisk action. Henry's supporters assembled at Oxford, Lewis and his party at Cambridge. The military strength was all on the side of the latter; whilst the legate was treating for a truce Lewis was besieging and taking castles. Before Lent he had reduced the whole of Eastern England, except Lincoln, which held out unswervingly under Nicolaa de Camvill, the wife of that Gerard who had drawn John into his first quarrel with Longchamp. But at Midlent Lewis was summoned to France; and, although he returned in a few weeks, he found that some of his supporters had changed sides. The Earl of Salisbury had gone over to his nephew; the legate was preaching a crusade against the disloyal and excommunicated; and the loyal barons bestirred themselves to some purpose.

Struggle with Lewis.

They advanced from the West, just as had been the case in the end of Stephen's days, Lincoln again appearing to be the decisive battle-ground. And so it was. Lewis returned in an evil mood, determined to treat England as a conquered country; the barons detected his design and deserted him one by one. At Whitsuntide the king's party advanced to relieve Lincoln under the Earl of Pembroke, the Earl of Chester, and the legate.

Lincoln was relieved at the cost of a battle; but in the battle was slain Lewis's chief captain, the Count of Perche, and Saer de Quincy and Robert Fitz-Walter, the leading spirits of the anti-royalists, were captured. Lewis was not there, but engaged in the siege of Dover Castle, which had not yet been taken. On the news of the battle he threw himself into London, and there awaited foreign succour. The foreign succour came as far as Thanet; but there, on St. Bartholomew's Day, it was beaten and dispersed by the English fleet, which thus justified the pains and cost that John had spent upon it.

Battle of Lincoln, 1217.

That defeat decided the struggle; within a month Lewis had consented to make peace and go home. The legate showed a wise and politic mercy in treating the rebels as ecclesiastical offenders and admitting them to absolution and penance; and William Marshall was not anxious to alienate friends by exacting the penalties for a treason which it might be difficult to define, and in which his own family was largely implicated. By Michaelmas 1217 the peace was restored, and the Charter again re-issued in a still more modified form. This may be regarded as the ending of the Magna Carta struggle in its first phase. It was now become permanently the palladium of English constitutional liberty; it was recognised as the salvation of king and kingdom, and the legate, instead of anathematising, had turned and blessed it.

Departure of Lewis.

Third issue of the Charter.

The rule of William Marshall continued until his death, early in 1219. The kingdom was ostensibly at peace; but order was not easily restored after a struggle which had lasted for more than four years, and which was itself the result of a long period of misgovernment. In the general struggle for power which followed the

pacification it was not always the wisest or the best men that gained the ultimate ascendency. It is clear that from the very first there were among the royal counsellors men who had neither understood nor sympathised with the policy of Langton. Hence the omission from the reissued charters of the clauses by which the king forbade and renounced unconstitutional taxation, and prescribed the order of the national council. Many of the men who had been leaders of the baronial party at Runnymede had fallen into treasonable complicity with France or had perished in the war; so that the regent was forced to give a disproportionate share of power to the personal friends of John, foreigners and mercenaries as they were, or to men like the Earl of Chester and the Count of Aumâle, who fought really for their own feudal independence. Thus we must account for the power of such men as Falkes de Breauté, who almost caused a civil war before he would submit to the law or resign to the king the castles which he held as the king's servant. Hence also, perhaps, the retention of Hubert de Burgh in the justiciarship; for he, great man as he afterwards proved himself, was as yet only known as a creature of John. Hence too the distinguished position retained by Peter des Roches, although he, as Bishop of Winchester, had a dignity and power of his own. Hence, further on, the jealousy with which, after the death of the Earl of Pembroke, the administration of Hubert de Burgh was viewed by the barons, and the constant risings against royal favourites and against the too strong government exercised in the name of the boy king. These troubles furnish nearly all the history of the years of Henry's minority.

The expulsion of the French, the restoration of order, and the securing of the validity of the Great Charter by successive and solemn confirmations, were the chief debt

that England owed to William Marshall. So long as he lived he was able also to lessen the pressure of the hand of the Roman legate and to keep in order the foreign servants of John. Early in 1219 he died. Gualo, a few months before, having incurred considerable odium by his severe and avaricious conduct during an otherwise beneficial administration, resigned the legation and returned to Rome. The place of the regent was not easy to fill, and no successor was appointed with the same power and functions. Peter des Roches became guardian of the royal person; Pandulf, the envoy of 1213, became legate in Gualo's place; and these two, with Hubert de Burgh as justiciar, formed a sort of triumvirate or supreme council of regency. Langton had now returned from exile; the Earls of Chester, Salisbury, and Ferrers had gone on Crusade, and matters seemed likely to run smoothly for some time. At Whitsuntide 1220 Henry was solemnly crowned at Westminster, at the express command of the Pope, by the hands of Archbishop Langton, and with all the ceremonies which at the Gloucester coronation had been omitted. It was a very grand ceremony; all the due services of the great feudatories were regularly performed, and it was made a sort of typical exhibition of the national restoration. It had also a political intention. If Henry was now in full possession of his royal dignity, it was high time for him to take back into the royal custody the castles which through policy or necessity had been hitherto left in dangerous hands. The feudal lords must learn to submit to Henry III. as they had done to Henry II.; the foreign adventurers must be removed from the posts which, although they had earned them by fidelity, they had made the strongholds of tyranny and oppression. England must be reclaimed for the English, and not even the

Work of William Marshall.

New Government.

Second coronation.

legatine, not even the papal, influence must be allowed to retard the national progress towards internal unity and prosperity.

The demand for the restoration of the royal castles produced the first outbreak. Just as, at the beginning of the reign of Henry II., William of Aumâle had refused to surrender Scarborough, so now his grandson refused to surrender Rockingham. Immediately after the coronation the king was brought to the siege, but the garrison fled as he approached. The earl, undismayed, seized in 1221 the castles of Biham and Fotheringay; and although he resisted not only the strength of the government but the sentence of excommunication also, he was forced to submit. In 1222 and 1223 the struggle was renewed in more formidable dimensions. The Earl of Chester, who had at first supported the government, made himself the spokesman of the feudal party; and the foreigners, the chief of whom was Falkes de Breauté, did their best to unseat the justiciar, who was now recognised as the chief man in the administrative council. The evil was increased by the discord in the council itself. Peter des Roches was known to prompt the resistance to Hubert de Burgh and to be the patron of the foreigners; he neither understood nor loved the institutions of England, and although an able and experienced man was very ambitious and altogether unscrupulous. In 1224, however, the contest was decided. An act of violent insubordination on the part of Falkes de Breauté brought down the king and the kingdom upon him; the great conspiracy of which he held the strings was broken up, and he himself, notwithstanding the secret support of Peter des Roches and the open mediation of the Pope, was banished from the land. His fall involved the humiliation of the

William of Aumâle and Falkes de Breauté.

feudal lords who were allied with him, and the expulsion of the foreigners whom he represented and headed. Peter des Roches himself had to take a subordinate place.

Long before this England had been relieved from the presence of the legate. In 1220 Langton had gone to Rome and obtained a promise that so long as he lived no other legate should be sent to England. Pandulf seems to have regarded the promise as implying his own recall. He was weary of his post; and having obtained his election to the see of Norwich, resigned in July 1221. Before the end of the year 1224 the able hand of Hubert de Burgh had shaken off the three dangerous influences; he had reclaimed England for the English. But he had done it at considerable cost of taxation. This the country was ill able or disposed to bear, and the alarm of war was sounding on the side of France, where Lewis succeeded his father in 1223. It was in order to obtain from the nation a grant of money to defray these expenses and to equip an army that Henry, under Hubert's advice, for the third time confirmed the charter. But, although these were the special occasions of the re-issue, the confirmation itself is a typical act, and might be regarded as the renewed good omen of a happy reign. Most of the hereditary enemies of Henry were dead; all foreign influences were banished; the right of the nation to sound and good government was recognised by the charter itself. The general acquiescence in the policy of the administration was shown by the grant of a fifteenth of all moveable property to the king, which was made conditional on the confirmation of the charter, and the national union was proved by the long list of prelates and magnates who attested it. Henry, by altering the terms in which he enacted it from the older form, 'by the council' of his barons, to 'by my spontaneous will,'

Work of Hubert de Burgh.

Re-issue of the Charter.

seemed to be giving more than a mere official ratification—a personal and sincere adhesion to the great formula of the constitution.

Two years after this Henry came of age, and then begins not only his dangerous and unbusinesslike meddling with foreign politics but the gradual revelation of the fact that he was not more willing than his father had been to act and reign as a constitutional king. From this point date the constant demands of the Pope on the one hand, and the king on the other, for money to be spent on purposes which called forth little sympathy in England, or which were opposed to the national instincts; constant difficulties with the administration, and, consequent upon those difficulties, that alienation of popular affection from the person of the young sovereign whose growth had been intently and hopefully watched—an alienation which grew from year to year, as the conviction gained ground that he was not to be trusted, any more than he could be honoured or admired. But for this conviction that serious attack on his authority, which amounted in the end to an absolute superseding or deposition, could have been neither contemplated nor carried into effect. This was not the mere result of a mismanaged minority. No doubt the possession or even the anticipation of the possession of great power is a dangerous obstacle to education; and in every case of a royal minority which we have in English history we find the same miserable story of a most important charge neglected, and the most important of all possible trusts unfulfilled. It may be that Hubert de Burgh and Peter des Roches had to work on an unkindly soil. In the child of John and Isabella we should not look for much inherited goodness; yet Richard of Cornwall, Henry's brother, was a very different man from Henry himself. Still the fault cannot be ascribed

Henry in 1227.

altogether to the education. It would have been a sore discipline for a noble mind, but to Henry it was fatal. He learned nothing great; what was good in him was dwarfed and warped.

The history of the thirty-one years, 1227 to 1258, which form the period of his personal administration, is one long series of impolitic and unprincipled acts. These acts may, it is true, be arranged under certain distinct heads, but it is not to be forgotten that they were at the time the successive expressions of one weak, headstrong mind, and as such have a unity and a bearing upon one another, creating as they proceed a tide of hostile feeling in the nation that becomes at last overwhelming. It would be an unprofitable exercise of ingenuity and patience to detail these acts in order of time, and to point out how one led to another. They may be divided into the three heads of internal misgovernment, a mischievous foreign policy pursued under the guidance of the popes, and the unfortunate line adopted with regard to the French provinces on which the king still retained his hold.

Under the first of these come Henry's reluctance to observe the charters, heavy taxation for a long series of years, the revival of the hated system of foreign favouritism, the rash displacement and replacement of ministers, the attempts of the king to rule by means of mere clerks and servants without proper ministers, and the series of domestic troubles which arise from these causes. Under the second head come the heavy demands of the popes for pecuniary help, or for the preferment of Italians in English churches, and the successive attempts made by the several pontiffs to use Henry, his wealth, and influence in Europe, for the destruction of the house of Hohenstaufen, and thus for the promotion of designs

Internal misgovernment.

Papal demands.

which worked his final humiliation. Under the third come the several expeditions to France, the negotiations with Lewis IX., the administration of Gascony, and the part taken by Richard of Cornwall and Simon de Montfort in the administration of that province. These three lines of mischief combine to produce the great crisis of 1258, in which the leading spirit was Simon de Montfort, in which the critical and determining cause was the negotiation with the Pope for the kingdom of Sicily, and in which the form of the constitutional demands made by the opposition was determined by the character of the internal misgovernment which had been going on so long. Where the same points so frequently recur a chronological summary becomes monotonous, and a comprehensive sketch is sufficient to convey all the lessons that are of real value.

Foreign affairs.

Crisis of 1258.

Henry's first act was an ill-omened one. In January 1227, in a council at Oxford, he declared himself of full age to govern, emancipated himself from the guardianship of Peter des Roches, but insisted that all charters and other grants sealed during his minority should be regarded as invalid until a confirmation of them had been purchased at a fixed rate. This declaration, founded, it would seem, on a resolution of the council agreed on in 1218, that no grants involving perpetuity should be sealed until he came of age, was heard with great alarm. The alarm spread further when it was known that the forest boundaries, which had been settled by perambulation in 1225, were to be re-arranged under royal direction. If the forest liberties were to be tampered with, the Great Charter itself would be in peril. But either the alarm was unfounded or the excitement that followed ensured its own remedy. Large sums were raised by confirming private charters; but, on a repre-

Henry of age.

sentation made by a body of the earls the forest administration was let alone and the Great Charter was not threatened. The whole project was seen to be a mere expedient for raising money.

Matters went on peacefully for some four or five years, and if complaints of misgovernment were heard they were, by the ready action of Hubert, who continued to be justiciar, either remedied or silenced. From 1227 to 1232 Hubert filled the place of prime minister, in very much the same way as Hubert Walter and Geoffrey Fitz-Peter had done, sacrificing his own popularity to save his master's character, and risking his master's favour by lightening the oppressions and exactions of irresponsible government. Besides the wars with Wales and Scotland which mark these years, and the pecuniary demands which were necessarily made for carrying on the wars, the chief interest of the period arises from the fact that it saw the first of those papal claims and exactions which were to exercise so baneful an influence on the rest of the reign. Archbishop Langton died in 1228, and Henry's envoys at Rome purchased the confirmation of his successor, Archbishop Richard, by promising the Pope a heavy subsidy to sustain him in his war with the Emperor. When the time came for this demand to be laid before the assembled council Earl Ranulf of Chester took the lead in opposing it. The means taken notwithstanding to exact money roused a strong popular feeling. The papal collectors were plundered, the stores taken in kind were burned; and so ineffectual were the means taken to suppress the outrages, that suspicion fell, not without good reason, on the justiciar himself as conniving at this rough justice. Henry was already weary of his minister, and his strongest feelings were the devotion which he consistently maintained towards the papacy and his determination, equally reso-

Papal taxation.

lute, to let no scruple prevent him from acquiring money whenever he had the opportunity. Peter des Roches, who had been absent from England for some years on Crusade, had now returned. He lost no opportunity of increasing the king's dislike to Hubert, and of promoting the interest of the foreigners who were beginning again to speculate on Henry's weakness. The king was told that his poverty was owing to the dishonesty of his ministers, who were growing rich to his disadvantage; he had no money to carry on war, whilst Hubert de Burgh was becoming more powerful in acquisitions and alliances, and was even using his influence to screen offenders against the Apostolic see. Henry was not slow in learning to be ungrateful. He had been taught by Hubert himself that he must discard the favourite servants of his father; Hubert had to exemplify, however unrighteously, his own lesson.

Fall of Hubert de Burgh.

In July 1232 he was driven from office, overwhelmed, as Becket had been, with charges which it was impossible definitely to disprove; and after some vain attempts to escape, he was before the end of the year a prisoner and penniless. His successor in the justiciarship was Stephen Segrave, a creature of Peter des Roches. Peter himself resumed the influence over the unstable king which he had won in his early years, and filled the court and ministry with foreigners, in whose favour he displaced all the king's English servants.

Victory of Peter des Roches.

Hubert's fall was great enough in itself to excite pity; even Earl Ranulf of Chester, who had been most opposed to him as a minister, was moved to intercede for him. But far more than his personal disgrace the reversal of his English policy alarmed the baronage. Earl Ranulf, the natural head of opposition, died in 1232; Richard of Cornwall, who had hitherto shown signs of attachment

to the national cause, was scarcely fitted to lead an attack on his brother's ministers; the Earl Marshall Richard, son of the great regent, and younger brother of William Marshall who had married the king's sister, became the spokesman of the nation. Richard Marshall was one of the most accomplished knights and the most educated gentleman of the age; but he had to contend against the long experience and unscrupulous craft of Peter des Roches. After a distinct declaration made by the barons to the king, at his suggestion, that they would not meet the Bishop of Winchester in court or council, and a positive demand for the dismissal of the foreign servants who had been placed in office by him, the Earl Marshall was declared a traitor. The king marched against him and drove him into alliance with the disaffected Welsh. A cruel stratagem of Peter des Roches induced him to cross over to Ireland to defend his estates there, and, in a battle into which he was drawn by Peter's agents, he was betrayed and mortally wounded. For a long time after his death the baronage continued to be without a leader of their own.

Richard Marshall.

The cunning of Bishop Peter prevailed to the destruction of Earl Richard, but it was not sufficient to ensure his own position. The barons, although they lost their leader when the Earl Marshall fled, were not inclined to be submissive, and the bishops, now under the guidance of Edmund of Abingdon the primate consecrated in 1234, insisted that justice should be done to the Earl Marshall and that the foreigners should be removed. The king was compelled to submit; Bishop Peter was ordered to retire from court, and with him fell the men whom he had patronised. But it was too late to do justice to the earl or to stop the measures contrived for his ruin. As

Fall of Peter des Roches.

a matter of fact the dismissal of Peter des Roches preceded by a few days the death of his victim far away in Ireland. Hubert de Burgh, however, profited by the change and regained his estates, although not his political power, when his rival fell.

To some extent the administration of Hubert and of Peter after him had been a continuance of the royal tutelage; from this time Henry determined to be not only king but chief administrator. Stephen Segrave had been a very mean successor to Hubert in the great office of justiciar; henceforth the officer who bears the name is no longer the lieutenant-general of the king, but simply the chief officer of the law courts. The supreme direction of affairs Henry kept in his own incompetent hands. The position of the chancellor too was stronger than was convenient to a king who intended to have his own way. Ralph Neville, the Bishop of Chichester, had received the great seal in 1226, by the advice and consent of the great council of the nation; he now refused to surrender it to the king except at the express command of the assembly by which he had been appointed. Henry succeeded in wresting the seal from him in 1238, but he retained the income and title of chancellor until his death in 1244. The constant petitions of the barons that a properly qualified justiciar, chancellor, and treasurer should be elected or appointed, subject to the approval of the national council, show that this independent action of the king was regarded with jealousy, and that they had already in germ the idea of having the affairs of the kingdom administered by men who would be responsible, not only as Becket and Hubert de Burgh had been to the king, but to the nation, as represented at the time in the great council of the barons.

Henry's plan of governing.

The history of these years is a series of national

complaints and royal shortcomings and evasions, diversified by occasional campaigns or splendid marriage ceremonies. In 1235 Henry married his sister Isabella to the Emperor Frederick II.; in 1236 he himself married Eleanor of Provence. Both marriages were the occasions of great outlay of money, which the nation was rapidly becoming more and more unwilling to pay. Nor was the discontent owing to taxation only. The queen's relations poured into the country as into a newly-discovered gold-field; dignities, territories, high office in Church and State were lavished upon them, and the rumour went abroad that they were attempting to change the constitution of the kingdom. Under their influence the old foreign agents who had flourished under the patronage of Peter des Roches returned into court and council, and brought with them the old abuses and the old jealousies in addition to the new. In 1238 the king gave his sister Eleanor, the widow of William Marshall the younger, to Simon de Montfort. The marriage and subsequent quarrel with Simon served to augment the jealousy and divisions at court. In 1242 Henry made a costly expedition to France, from which he returned in 1243; a new flood of strangers, this time the Poictevin sons and kinsfolk of his mother, followed him. In 1244 Earl Richard of Cornwall married the queen's sister; and in 1245 Boniface of Savoy, the queen's uncle, was consecrated to the see of Canterbury.

Influx of foreigners.

Each of these years is marked by a struggle about taxation, conducted in the assembly of barons and bishops, which from this time is known both in history and records by the name of PARLIAMENT. In these discussions the lead is taken sometimes by the bishops, sometimes by the barons; now it is the papal, now the royal demands that excite opposition. The charters are from time to time confirmed

Constitutional grievances.

as a condition of a money grant; and as often as money is required they are found to need fresh confirmation. Up to the time of his marriage Earl Richard of Cornwall constantly appears among the remonstrants; Archbishop Edmund, as long as his patient endurance lasts, heads the opposition of the bishops; Robert Grosseteste, the Bishop of Lincoln, the great divine, scholar, and pastor of the Church, is not less distinguished as a leader in the plans propounded for the maintenance of good government and the diminution of the royal power of oppression.

Every class suffered under the absolute administration, but the citizens of London and the Jews perhaps most heavily, as from them without any intermediate machinery the king contrived to wring money. Not slowly or gradually but by great and rapid accumulations the heap of national grievances grew, and but for the want of a leader a forcible attempt at revolution must have occurred much sooner than it did. In 1237 the national council gave their money under express conditions, none of which were observed, as to the control and purpose of expenditure. In 1242 they presented to the king a long list of the exactions to which they had submitted out of their goodwill to assist him, but from which no good had arisen. In 1244, when Henry had assembled the magnates in the refectory at Westminster and with his own mouth had asked for money, the two great estates present, lay and clerical, determined, after debating apart, to act in concert, and chose twelve representatives to make terms with the king. The twelve, of whom the chief were Richard of Cornwall and Simon de Montfort, demanded the confirmation of the charters, and the election of a justiciar, chancellor, and treasurer; they broached even a plan for constitutional reform

Parliamentary discussions.

according to which a perpetual council was to be appointed to attend the king and secure the execution of reforms to be embodied in a new charter. Henry first resisted, then produced an order from the Pope; but the barons were unable to persevere in their designs. They refused, however, to make a large grant and voted a sum which they could not legally object to pay for the marriage of the king's daughter.

The pages of the great historian, Matthew Paris, teem with details like this. Whether money were given or refused, the king went on asking for more; whether he met the national complaints with promise or with insult, the evils remained alike unredressed. No permanent ministers were appointed; the king nominated a clerk or a judge from time to time to despatch formal business, and every important transaction for which he himself was not personally competent was left to be settled at haphazard. Some good results followed; the country learned that the king was really dependent on the nation, although it failed to impress that lesson upon Henry himself; every year the machinery for assessing and collecting the taxes assumed more and more a representative character, and the forms as well as the spirit of a parliamentary constitution grew apace. But in the countless assemblies which were held during this part of the reign it is not possible to trace any uniformity or even any tendency towards a system of representative government. The councils are more busy about their powers than about their constitution, and the representative machinery already in use for carrying out the executive part of the public business does not yet reach the region of legislative or supreme taxation.

Henry's impolicy.

No great design is attempted during these years; the barons see no return for the great costs to which the king puts them. The King of France goes on

Crusade, but Henry only raises money on the pretext and spends or wastes it on other purposes. The Pope drains the kingdom. There are murmurs but no blows: no conspiracies, no leader. Simon de Montfort is employed in Gascony; Earl Richard minds his own business. The kingdom is again handed over to the Poictevins, yet no one has position or energy to take the lead. So matters drag on. In 1248, 1249, 1255 the demands for a regular ministry are confirmed; and now it is desired that they shall be appointed by the common council of the nation. In 1237 and again in 1253 the charters are solemnly renewed, and excommunication passed on the transgressors of them. In 1254 an assembly is held to grant an aid, to which two knights of the shire are called from each county, elected by the county court—a very important step towards the creation or development of a parliamentary system. At last, in 1257, by a series of events like these, the patience of the baronage is absolutely worn out, and the king by an extraordinary act of daring presumption gives the signal for the outbreak.

National inactivity.

Our second division of the causes which led to the great crisis of the reign comprises Henry's relations with the popes and the papal policy. It is not a thing to be wondered at that Henry should adhere closely to the Pope: for it was papal influence that made him king, and his mind was formed under religious influences redolent of papal ideas. He had to deal too with popes of high and masterly minds, and bowed implicitly to such. He never disputed or quarrelled with any pope; no point was to his mind worth defence. He was just old enough to remember the last days of the Interdict; he knew how Honorius III. had supported him against Philip and Lewis; he watched the long humiliation of Frederick II. by

Henry and the Popes.

Gregory IX. and Innocent IV. He never knew a weak pope. He might have resisted, and would have gained immensely by resistance: his archbishops, Stephen Langton, Richard le Grand, and Edmund of Abingdon, were three model ecclesiastics, men unassailable in the points of patriotism, independence, and sanctity. Even Boniface of Savoy, although he was neither an Englishman nor a saint, would have boldly resisted the Pope and strengthened the king with his sword if not with his staff. But Henry was generally thwarting his archbishops; he alienated their support and wore out their patience. Edmund he drove into exile by his tyranny and extortion; and even Boniface on occasion chose to side with the national party rather than to support such a king.

The archbishops.

The string of papal difficulties begins in 1226, when the Pope demanded a share of the property of every cathedral church and monastery. In 1229 Gregory IX. demanded a tithe of all moveables, which only Earl Ranulf of Chester had courage to refuse. In 1231 the Roman exactions produced public tumults, and led to the quarrel which ruined Hubert de Burgh. In 1237 the king invited Cardinal Otho to reform the Church. He stayed until 1241, visited Oxford, and put the University under interdict; visited Scotland in 1239, and in 1240 exacted enormous sums for the benefit of the Pope, besides forbidding the king to bestow preferment on Englishmen until three hundred Italians had been provided for. In 1244 Innocent IV. sent a still more intolerable representative, Master Martin, who within a year was obliged to fly; but neither king nor parliament ventured to refuse money. Besides direct payments a vast proportion of English livings was held by foreigners. Bishop Grosseteste, who regarded these usurpations as the very destruction of the flock for which he was ready to

List of papal assumptions.

lay down his life, declared that in 1252 the Pope's nominees had revenues within the realm three times as great as the royal income. There was too a constant succession of appeals to Rome, as the episcopal elections were disputed, and the Pope either assumed the power of presentation or sold the justice or injustice that it pleased him to dispense. To understand how these vast sums were disposed of by the popes involves the careful reading of the history of Frederick II. The exactions of Gregory IX. begin with the first quarrel with Frederick, and the crowning difficulties of Henry III. are caused by his entanglement with Alexander IV. on the subject of Sicily. Yet Frederick II. was his own brother-in-law, and a prince who, whatever his faults may have been, suffered papal enmity for reasons which had nothing to do with his shortcomings. Frederick was admired and pitied in England as a papal victim. Lewis IX. could refuse to be an instrument in his humiliation, but Henry III. seems to have tied himself to the Pope's chariot-wheels. The Pope and the king, according to the saying of the time, left to men only the task of discerning whether the upper or the nether millstone were the heaviest.

Fatal as the friendship of Gregory IX. and Innocent IV. had been, it was the policy of Alexander IV. which broke the long-enduring patience of the baronage and compelled them to bind the king's hands. Innocent IV. in 1252 had offered the kingdom of Sicily to Richard of Cornwall. The negotiation went on until in 1255 it was accepted, not for Richard, but for Edmund, the king's second son. It might have been supposed that as the quarrel was the Pope's Alexander would have hired Henry to fight his battles; but by this adroit system of enlistment he reversed the rule. He fought the battles and expected Henry to pay him.

Henry accepts the kingdom of Sicily.

Henry was weak enough to bear this and even to pledge the credit of the kingdom to the Pope for the sum which the crafty Italian moneylender had advanced to maintain his own quarrel. It was this act that led to the demand for a new constitution, which opens the next great epoch of this long dismal reign.

Henry's French transactions.

Henry's French transactions, the third of the three heads in which we have arranged the second portion of the reign, must be summed up very briefly, for they are in themselves the least important part of his history.

Of all the possessions of Henry II. only Aquitaine and Gascony remained to John at the time of his death; and these remained, not because they loved the Plantagenets, for they hated them, but because they hated all government, and found that distant England was a less vigorous mistress than nearer France. So, as they had opposed Henry II., they resisted Philip and Lewis; and they continued subject to the English kings until the reign of Henry VI., but shorn of their proportions. Henry III. in his early years entertained some idea of reclaiming all. In 1225 Richard of Cornwall was sent to Bourdeaux, and re-established order in Gascony; in 1229, during the minority of Lewis IX., not only Gascons but Normans proposed to Henry the restoration of the Continental dominions of his house; and in 1230 he actually went across by Brittany and Anjou and received the homage of Poictou, whilst the Earl of Chester made an attempt on Normandy. But in the following year a truce was made, and no more is said of a French war for twelve years. In 1242, however, at the invitation of the Poictevins, over whom Lewis had set his brother Alfonso as count, Henry made a great expedition, which he managed with so little felicity that he owed his escape from captivity to the mercy of his enemy, just as he owed

his continued possession of Gascony to that enemy's good faith. After his return home in 1243 the only foreign difficulties which occurred for several years arose from the conduct of the Gascons, who, finding no pressure put upon them by Lewis, took courage to rebel on their own account, and required constant chastisement. From 1249 onwards Simon de Montfort was employed to keep them in order; and whilst his demands for money were one cause of Henry's difficulties at home, Henry's treatment of him laid the foundation of a lasting enmity. The complaints of the Gascons against his severe administration were readily listened to, and Simon was easily convinced that his employment in France was a mere expedient for securing his ruin. In 1253 he resigned his command, and Henry for the third time went in person to France, where he stayed for a year and a half, returning at the end of 1254 more hopelessly in debt than ever.

From this point the accumulating grievances of the nation, whether constitutional, religious, or political, blend in one mass; all the oppressed and offended make common cause. Extortion, faithlessness, improvidence, impotence at home and abroad, compel and suggest their own remedy; and every class having been insulted or oppressed, the time and the men for reform and revenge are not wanting.

CHAPTER IX.

SIMON DE MONTFORT.

Delay of the crisis—Simon de Montfort—Parliament of 1258—Provisions of Oxford—Political troubles—Award of St. Lewis—Battle of Lewes—Baronial government—Battle of Evesham—Closing years.

THE long and dreary survey of the first forty years of Henry's reign has its chief use in enabling us to trace

the string of events, the accumulation of causes and motives, which produced the more striking complications of the remaining sixteen years. We have seen that on the one hand a gradually increasing spirit of resistance was being roused among all classes of the people. Through a shifty, shuffling, purposeless public policy on the king's part, a sullen determination to reign as despotically as his father had done constantly makes itself apparent. The papal influence, too, by which his foreign policy was guided, was gradually bringing him up to a point at which the national spirit would no longer endure him. We cannot fail to perceive further that Henry's determination to act as his own minister could have but one result—that, when the time for account came, the account would be demanded of him himself personally: he would have no agents behind whom he could screen himself, or whom he could sacrifice to justify himself. Henry's personal character, his pliancy and want of principle, may perhaps have helped to put off the day of account, so long delayed, and it may have been his own misfortune that he lived so long to try the patience of the people. Another reason for their endurance was no doubt the want of a leader, and that was a potent reason. In the early difficulties of the reign the place of the leader of constitutional opposition was occasionally taken by the Earl of Chester, a man in whose conduct the desire of rule was stronger than the love of liberty; and after his death it was occupied with higher principles and nobler purposes by the Earl Marshall Richard. After Richard's death no great lay baron for a long time stood out from the rest as a leader. The bishops proclaimed their grievances and the oppressions of the court, but the bishops were forbidden by their order to take up arms against the king. The great earldoms of the former age

Why the constitutional crisis was delayed.

were extinct in spirit if not in title, and possibly the king may have found means to keep their modern representatives silent or inactive. The great earldom of Leicester had been split in two, and one half, which bore the name of Leicester, was, at the beginning of the reign, in the king's hands, although claimed by the Montforts. The earldom of Chester came, on the extinction of the heirs, to the crown in 1237; Essex and Hereford were held by one family; Cornwall by the king's brother; Salisbury by his cousin. Gloucester alone retained anything like its old importance, and the Earl of Gloucester could not stand alone. Henry was wise enough to see this, and so avoided the restoration of Chester by keeping it as a provision for one of his sons. It was probably with the like object that he connived at the marriage of his sister with Simon de Montfort, to whom the Leicester inheritance must in the end come; and when the earldom of the Marshalls escheated he gave it to his half-brother. If all the great earldoms could be comfortably distributed among his near kinsmen the baronial party would be without its natural head, and might lie at his mercy. That this was a part of his plan we may infer from his treatment of the bishoprics. He no doubt thought that he had a safe hold on the clergy when his wife's uncle was made archbishop of Canterbury, his half-brother, Ethelmer of Lusignan, bishop of Winchester, and another important bishopric, that of Hereford, was in the hands of a Provençal kinsman. Edward III., a hundred years after him, adopted somewhat the same plan of consolidating family power by marrying his sons to the heiresses of the earldoms; and at an earlier period in the history of the empire the German duchies more than once take the form of a compact family party. Unfortunately, however, the plan has seldom answered:

Henry's dynastic policy.

people can hate their relations perhaps more cordially than they can hate anyone else; and in a generation or two, when personal hated is complicated with the rights of inheritance, wars between cousins are apt to become internecine. Even in the present reign we shall come upon one or two instances of this. One effect of this statecraft on Henry's part was to keep the constitutional party divided and headless; another was to provoke opposition amongst those in whom he might otherwise have trusted. His treatment of the Gascons was such as at one period to throw even his son Edward and his brother Richard into opposition; and as early as 1242 we have seen Earl Richard of Cornwall taking an important place in the baronial councils; but the leading and crowning instance is Simon de Montfort, the personal enemy, the leader of constitutional opposition, the national champion, whom Henry raised up for his own discomfiture as directly and as persistently as if he had had from the beginning that object in view.

Richard of Cornwall.

The opinions of historians have differed widely in drawing the characters of the two most influential men of this period. Richard, King of the Romans, a dignity which he attained in 1257, the second son of John, must have been on any showing a man of more energy and enterprise than his brother Henry; it is attested by his early achievements in war, by his crusade, and by the adventurous way in which he attempted and really maintained his hold on Germany. He was also a better manager; for whilst Henry was always hopelessly overwhelmed with debt, Richard was always amply provided with money, and able to lend his brother large sums, which kept him afloat for a time, but did not get him out of his difficulties. Richard had also much sounder ideas of policy, acting frequently with the baronial party, resisting and remonstrating against his

brother's foolish designs, and winning throughout both France and England no small reputation for political sagacity. In opposition to these favourable points must be set a strong public opinion existing at the time, and since constantly re-echoed both in England and in Germany. The English, disliking his attempts at foreign sovereignty, represented him as a foolish, extravagant, tricky man, who for the name of Emperor sacrificed his real interests and imperilled the interests of his country; a man who would let the Germans delude him out of all his treasure and then come back to England and take the unpopular side, as he did in the barons' war. The Germans, who always treated the English kings as rich fools to be handled from time to time for their own profit, got out of him all they could in the way of money and privileges, and showed their gratitude by mocking him. A more careful view of his career leads to the conclusion that both his abilities and his success were underrated. He was certainly not a great sovereign, but the probability is that, with the chances he had, he might have done very much worse. He was one of the very last of the Kings of the Romans who thought of building up the empire as distinct from their own dynastic power; who lavished what he had upon it instead of merely using the power and dignity which it gave him to increase the wealth of his own family. In respect to his conduct as an English earl we find him always acting as a mediator and arbitrator, never urging the king to his despotic and deceitful courses. If when the country was actually at war he threw in his lot with his brother, rather than with Simon de Montfort, whom he did not understand, but suspected and reasonably disliked, he can hardly be visited with severe blame. He was the wisest and most moderate, it would seem, of Henry's advisers; but Henry was not fond of being advised.

Simon de Montfort was a very different man, and very different estimates have been formed of him. On one side he is regarded as an almost inspired statesman, a scholar, a saint, a martyr; on the other he is a mere adventurer, a demagogue, a man full of selfish ambitions and personal hatreds, a rebel, a traitor, a criminal. A short notice of his chief actions may indicate what reason there is for either, neither, or both of these estimates. Simon de Montfort was no doubt an adventurer, descended from a race of counts that had played for high stakes with very little capital, and had been persistently pushing into power for some centuries. His father was the scarcely less renowned Simon de Montfort, the persecutor of the Albigensian heretics, who had, at the head of that cruel crusade, been made Count of Toulouse, and perished in making good his claims. The Counts of Evreux, his remoter ancestors, had made their way into that position by a fortunate marriage as early as the time of Henry I. They had made a bold attempt in the time of Lewis VI. to claim the high stewardship of France; in later times one of the family had held, in the right of his wife, the earldom of Gloucester after the death of Geoffrey de Mandeville and Hawisia. Earl Simon, the Crusader, was a nephew of the last Earl of Leicester of the house of Beaumont, on whose death John divided his earldom into two, that of Winchester going to Saer de Quincy as co-heir, and that of Leicester to Simon de Montfort. But that Simon, although he was Earl of Leicester, had little to do with England; he was an enemy of John, and the barons are said, at one time, to have thought of calling him in as a deliverer. His crusade against the Albigenses was directed really against Raymond of Toulouse, who was John's brother-in-law; and as John was never loth to keep the lands of his enemies in his own

Simon de Montfort.

hands, the revenues of the earldom seldom found their way into the treasury of the Montforts. This Simon had four sons; Amalric, Count of Montfort, was the eldest, and the second Simon, the hero of the barons' war, was the youngest. Amalric, of course, was his father's heir, but he contented himself with his patrimony in France; and the two intermediate brothers being now dead, Simon, according to Matthew Paris, attempted, at the Council of Bourges, in 1226 or 1227, to recover the county of Toulouse. Failing to do this, he came to England to see whether he could not get the earldom of Leicester, and his brother consented to make over to him such rights in it as he possessed. After some years he succeeded. Henry allowed the arrangement between the brothers to take effect, and gave Simon the honour of Leicester. He had already failed in two attempts to make himself a great position by marriage with the countesses of Flanders and Boulogne. In a third he was more successful; Henry connived, as it was said, at a clandestine marriage between Simon and his sister Eleanor, the widow of the second William Marshall—an unlawful marriage, as she had taken a vow of widowhood—and soon after, in 1239, gave him the title of Earl. Richard of Cornwall, and others of the baronage were exceedingly angry at this, and Henry himself in no long time quarrelled with his new brother-in-law, who had to leave England, and had some expense and trouble in obtaining the recognition of his marriage as lawful.

For some years he appears to have been coolly treated, and perhaps nursed his wrongs. But up to this time there is little about him to distinguish him from the other foreigners with whom England swarmed. By what process he educated himself into the ideas and position of an English baron we have but little information to show. It is clear, however, that he did so; that he had much

intercourse with the clergy, especially with that section which, with Bishop Grosseteste, was bent on resisting the royal exactions and papal usurpations; that he devoted much thought and care to the education of his children; and that when, in the parliament of 1244, the prelates and barons selected a committee to treat with the king, his name, with that of Earl Richard of Cornwall, was among the first chosen. In his own earldom, nearly the only notice found of him is that he persecuted the Jews of Leicester, and this slight indication may show that he had somewhat of his father's spirit—that some persecuting zeal was an ingredient in his peculiar form of piety. From this date we find him, however, employed more and more in public business, and for several years together commanding in Gascony, where the complaints of his severity and impolicy were probably occasioned as much by Henry's deceitful treatment of his foreign adherents as by Simon's own fault. Of this, however, it is impossible to judge certainly; we only know that the bitter feelings which existed between him and the king were constantly more and more embittered, and that Earl Richard, although sometimes he was obliged to take Simon's part, had the same personal antipathy, which grew greater and produced terrible results in the next generation. In Gascony, however, Simon must have gained a good deal of political experience; and he was already by inherited talent and early training a highly accomplished soldier and tactician.

Such was the man whom Henry III. had raised and trained to his own confusion: a brilliant, religious, enterprising, experienced man, who had cultivated popularity; and who although a foreigner, an adventurer, a man descended from high feudal parentage and an adept in all the lessons of feudal insubordination, had yet fitted himself to be a leader of the English baronage in a crusade

against tyranny. Earl Simon's greatness throws all the other actors into the shade, for Bishop Grosseteste, who if he had lived would no doubt have taken a great place in the story, died in 1253; and of the other prelates, besides Archbishop Boniface, the only one of much personal eminence at the time was Walter of Cantilupe, Bishop of Worcester. Of the barons the most eminent were Richard de Clare, Earl of Gloucester, and William of Ferrers, the last Earl of Derby of that house which had been engaged in every conspiracy and intrigue since the days of Stephen.

The struggle opens at the parliament held at Midlent at Westminster, in 1257, when the king presented his son Edmund to the barons as King of Sicily, and announced that he had pledged the kingdom to the Pope for 140,000 marks. He demanded an aid, a tenth of all church revenue, and the income of all vacant benefices for five years. The clergy remonstrated. The ears of all tingled, says the historian, and their hearts died within them, but he succeeded in obtaining 52,000 marks, and was encouraged to try again. This he did the next year, 1258, at a parliament held soon after Easter at London. This assembly met on April 9, and continued until May 5. Everyone brought up his grievances; the king insisted on having money. The Pope had pledged himself to the merchants, Henry had pledged himself to the Pope; was all Christendom to be bankrupt? The barons listened with impatience: at last the time was come for reform, and the king was obliged to yield. On May 2 he consented that a parliament should be called at Oxford within a month after Whitsuntide, and that then and there a commission of twenty-four persons should be constituted, twelve members of the royal council already chosen and twelve elected by the barons; then if the barons would do

Parliament of 1258.

their best to get the king out of his difficulties by a pecuniary aid, he would, with the advice of these twenty-four, draw up measures for the reform of the state of the kingdom, the royal household, and the Church. It will be remembered that in 1215 the execution of the articles of Magna Carta was committed to twenty-five barons, with power to constrain the king to make the necessary reforms: in this case the arrangement is somewhat different, although the method of proceeding is not quite dissimilar, and both alike afforded precedents for that superseding of the royal authority by a commission of government which we find in the reigns of Edward II. and Richard II.

Parliament of Oxford.

At Oxford the parliament met on June 11, and the barons presented a long list of grievances which they insisted should be reformed. If this list be compared with the list of grievances on which Magna Carta was drawn up, it will be found that many points are common to the two documents. We may thus infer that, notwithstanding the constant confirmations of the charters which were issued by the king, the observance of them was evaded by violence or by chicanery; that the king enforced some of the most offensive feudal rights, and that his officers found little check on their exactions. Castles had been multiplied, the itinerant judges had made use of their office to exact large sums in the shape of fines, and the sheriffs had oppressed the country in the same way. English fortresses had been placed in the hands of foreigners, and the forest laws had been disregarded. A great number of other evil customs are now recounted. But, strange to say, there is no proposal to restore the missing articles of the Charter of Runnymede, by which taxation without the consent of the national council is forbidden.

These grievances were to be redressed before the end

of the year; and the aliens were to be removed at once from all places of trust. But this was not the most critical part of the business. The Provisions of Oxford, as they were called, were intended to be much more than an enforcement of Magna Carta; a body of twenty-four was chosen, twelve by the king, twelve by the earls and barons, to reform the grievances; of the king's twelve the most eminent were his three half-brothers, the Lusignans, his nephew Henry of Cornwall, and the Earls of Warenne and Warwick; of the baronial twelve the chief were the Bishop of Worcester, the Earls of Leicester, Gloucester, and Hereford, Roger Mortimer, Hugh Bigot, and Hugh le Despenser. A next step was to restore the three great dignities of the administration which had been so long in abeyance; Hugh Bigot was made justiciar, but the great seal still remained in the hands of a keeper who must be supposed to have taken the oath of chancellor. The king was then provided with a council of fifteen advisers: each of the two twelves selected two out of the other twelve, and these four nominated the fifteen, subject to the approval of the whole twenty-four. The chiefs of this permanent council were the Archbishop of Canterbury, the Bishop of Worcester, and the Earls of Gloucester, and Leicester. The fifteen were to hold three annual sessions, or parliaments, in February, June, and October; and with them the barons were to negotiate through another committee of twelve. There was another body still, also consisting of twenty-four members, who had the special task of negotiating the financial aids; and the original twenty-four were empowered to undertake the reform of the Church. Of course these several committees contained very much the same elements, the Earls of Leicester, Gloucester, and Norfolk, Roger Mortimer, and others being elected to

Provisions of Oxford.

each. It was a cumbrous arrangement, and scarcely likely to be permanent, but was accepted with great solemnity. Everybody was sworn to obey, and several minor measures were ordered to give security to the new constitution. It is this framework of government, the permanent council of fifteen, the three annual parliaments, the representation of the community of the realm through twelve representative barons, that is historically known as the Constitution of the Provisions of Oxford. Henry was again and again forced to swear to it, and to proclaim it throughout the country. The grievances of the barons were met by a set of ordinances called the Provisions of Westminster, which were produced after some trouble in October 1259. Before the scheme had begun to work the foreign favourites and kinsmen fled from the court and were allowed to quit the country with some scanty remnant of their ill-gotten gains. Their departure left the royalist members of the new administration in a hopeless minority.

Disunion among the barons.

England had now, it would appear, adopted a new form of government, but it must have been already sufficiently clear that so many rival interests and ambitious leaders would not work together, that Henry would avail himself of the first pretext for repudiating his promises, and that a civil war would almost certainly follow. The first year of this provisional government passed away quietly. The King of the Romans, who returned from Germany in January 1259, was obliged to swear to the provisions. In November Henry went to France, returning in April 1260. Immediately on his return he began to intrigue for the overthrow of the government, sent for absolution to Rome, and prepared for war. Edward, his eldest son, tried to prevent him from breaking his word, but before the king had begun the contest the two great earls had

quarrelled: Gloucester could not bear Leicester, Leicester could not bear a rival. A general reconciliation was the prelude as usual to a general struggle. In February 1261 Henry repudiated his oath, and seized the Tower. In June he produced a papal Bull which absolved him from his oath to observe the Provisions. The chiefs of the government, Leicester and Gloucester, took up arms, but they avoided a battle. The summer was occupied with preparations for a struggle, and peace was made in the winter. In 1262 Henry went again to France for six months, and on his return again swore to the Provisions; that year the Earl of Gloucester died, and Edward began to draw nearer to his father. Simon was without a rival, and no doubt created in Edward that spirit of jealous mistrust which never again left him. The next year was one of open war. The young Earl of Gloucester refused to swear allegiance to Edward; Simon insisted that the pertinacious aliens should be again expelled. Twice if not three times in this year Henry was forced to confirm the Provisions; but Edward saw that they had now become a mere form under which the sovereignty of Simon de Montfort was scarcely hidden; and the increasing conviction of this induced the barons to refer the whole question to the arbitration of Lewis IX. of France. This was done on December 16, 1263. An examination of the names of the barons which appear in the two lists of sureties who undertake the carrying out of this arbitration shows that Simon de Montfort had now lost some of his most important allies. The young Earl of Gloucester appears in neither list, but the Earls of Norfolk and Hereford, Hugh Bigot, and Roger Mortimer are now on the king's side, and no earl except Leicester himself appears in the baronial party, the foremost layman there being Hugh le Despenser, the justiciar. There can be no doubt that

The Barons' War, 1263.

Award of Lewis IX.

since the outbreak of the war much moral weight had fallen to the royalists, and it seems most probable that Earl Simon had rather offended than propitiated the men who regarded themselves as his equals. The conduct of the barons after the award of Lewis IX. seems to place them in the wrong, and to show either that Simon de Montfort's views had developed, under the late changes, in the direction of personal ambition and selfish ends, or that other causes were at work of which we have no information. The barons were so distinctly justified in their first proceedings that an equitable consideration cannot be refused to their later difficulties. Both parties, however, equally bound themselves to abide by the arbitration.

Henry took the wise course of being personally present on the occasion and taking his son Edward with him. Some of the barons also appeared in person, but not the Earl of Leicester, who was supporting the Welsh princes in their war with Mortimer, a method of continuing the struggle which was neither honest nor patriotic. At Amiens Lewis heard the cause, and did not long hesitate about his answer, which was delivered on January 23, 1264. By this award the King of France entirely annulled the Provisions of Oxford, and all engagements which had been made respecting them. Not content with doing this in general terms, he forbade the making of new statutes, as proposed and carried out in the Provisions of Westminster, ordered the restoration of the royal castles to the king, restored to him the power of nominating the officers of state and the sheriffs, the nomination of whom had been withdrawn from him by the Provisions of Oxford; he annulled the order that natives of England alone should govern the realm of England, and added that the king should have full and free power in his kingdom as he had had in time past. All this was in the king's favour. The arbitrator, how-

ever, added that all the charters issued before the time of the Provisions should hold good, and that all parties should condone enmities and injuries arising from the late troubles.

Motives for the decision of the French king.

Lewis mentions as his chief motive for thus giving the verdict practically in the king's favour the fact that the Provisions had already been annulled by the Pope, and the parties bound by them released from their oaths. But we cannot suppose that he was entirely guided by this consideration; it is probable that he did not understand the limits which the growth of constitutional life had put upon the exercise of royal power as early as Magna Carta, or the shameless way in which Henry had broken his engagements. He may, very reasonably, have regarded England as much the same sort of country as his own, and have seen in the strengthening of the royal power—a thing absolutely necessary in France at the time—a measure as necessary for England. He may have been moved by Henry's own pleadings, or by the more weighty if more moderate statements which we can imagine were laid before him by Edward. And the care that he shows for the restoration of peace and good feeling may well be interpreted to prove that, although his award was more favourable to the one party than to the other, he yet did not think the defeated party entirely in the wrong.

Effects of the award of Lewis.

The award, however, was entirely in favour of the crown. The new form of government was already giving way, and both parties might have and ought to have submitted to the sentence. Henry had had a severe lesson, and might not offend again; the baronage had had their chance, and had been found wanting both in unity of aim and in administrative power. Neither party, however, acquiesced in the

admonition, and each of course laid on the other the blame of disregarding a judgment by which both had sworn to stand. At first the war was continued on the Welsh marches principally; Edward's forces assisting Mortimer, and Montfort continuing to support Llewelyn, the Prince of Wales, his opponent. But when the king returned from France, as he did in February, the struggle became general.

Military successes of the king and of Simon de Montfort.

The responsibility for this rests unquestionably with Simon de Montfort; how far he was justified by the greatness of the necessity is another question. He had the sympathy of the Londoners, which was probably shared by the burghers of the great towns, that of the clergy, except those who were led by the Pope entirely, of the universities, and of the great body of the people. The barons by themselves would have treated with the king; they would probably have thrown over Earl Simon, if only they could have got rid of the foreigners and had England for the English. On March 31, however, whilst negotiations were proceeding, the Londoners broke into riot against the king, and he in his anger put an end to the consultation. The war began favourably for the king; Northampton was taken, Nottingham opened her gates, and Tutbury, the castle of the Ferrers, surrendered to Edward. Earl Simon had his successes too, and captured Warwick. Both parties then turned southwards. Earl Simon besieged Rochester, the king marched to relieve it. Henry also took Tunbridge, the Earl of Gloucester's castle, for the young Earl of Gloucester was now on the barons' side; then he collected his forces at Lewes, where he arrived in the first week of May.

Lewes castle belonged to the Earl of Warenne, who had throughout stood on the king's side. The barons also collected their host in the immediate neighbourhood;

but before fighting they made one bid for peace. The two bishops who were the chief political advisers of the barons—the Bishops of Worcester and London—brought the proposition to the king: they would give 50,000 marks in payment for damages done in the late struggle, if he would confirm the Provisions of Oxford. The offer was sealed by the Earls of Leicester and Gloucester, and dated on May 13. The king returned an answer of defiance, which was accompanied by a formal challenge on the part of the King of the Romans, Edward, and the rest of the royalist barons. No time was lost; on the very next day the battle was fought, and fortune declared against the king. He had the larger force, but all the skill, care, and earnestness was on the side of the barons. Simon, who had broken his leg a few months before—an accident which prevented him from going to meet the King of France at Amiens—had been obliged to use a carriage during the late marches; he now posted his carriage in a conspicuous place, and himself went elsewhere. Edward, thinking that if he could capture the earl the struggle would be over, attacked the post where the carriage was seen, routed and pursued the defenders, and going too far in pursuit, left his father exposed to the attack of the earl. King Henry was a brave man, but of course no general, for he had never seen anything like real war before. He defended himself stoutly; two horses were killed under him, and he was wounded and bruised by the swords and maces of his adversaries, who were in close hand-to-hand combat. When he had lost most of his immediate retainers he retreated into the priory of Lewes. The King of the Romans, who had commanded the centre of the royal army, was already compelled to retreat, and, whilst Henry was still struggling, had been taken captive in a windmill, which made the adversaries very

Battle of Lewes. Victory of the Barons.

merry. A general rout followed. The baronial party was victorious long before Edward returned from his unfortunate pursuit, and many of the king's most powerful friends secured themselves by flight. The next day an arbitration was determined on, called the Mise of Lewes, and the king gave himself and his son into the hands of Simon, who, from that time to the end of the struggle in the next year, ruled in the king's name.

The Mise of Lewes contained seven articles, the most important of which prescribed the employment of native counsellors, and bound the king to act by the advice of the council which would be provided for him. Measures were also taken for obtaining a new arbitration. Thus England for the second time within seven years passed under a new constitution. The system devised at the Council of Oxford in 1258 was not revived, but a parliament was called for June 22, to devise or ratify a new scheme. This assembly comprised four knights from each shire, as well as the ordinary elements, the bishops and abbots, earls and barons, who formed the usual parliament. In it the new form of government was drawn up. This time the king was bound to act by the advice of nine counsellors. Three electors or nominators were first to be chosen—whether by the whole body of the parliament or by the barons only, it is not said; and these three were to name the nine. Of the nine three were to be in constant attendance on the king, and his sovereign authority was, in fact, to be exercised by and through them. They were to nominate the great functionaries of the state and the other ministers whose appointment had before rested with the king, and their authority was to last until all the points of controversy were settled by the arbitration provided in the Mise of Lewes. The three electors chosen were the Earls of Leicester and Gloucester and the Bishop of Chichester, Stephen

The Mise of Lewes.

Berksted, a man who comes into prominence now for the first time, but who was probably the agent of the constitutional party among the clergy, which had been hitherto represented by the Bishop of Worcester.

These men governed England until the battle of Evesham. But their reign was not an easy or peaceful one. The Pope was still zealous for Henry, and left no means untried by which the bishops might be detached from the barons. The queen collected a great army in France and prepared to invade England, assisted by the Archbishop of Canterbury, her uncle, and all the English refugees who had come under the rod of Earl Simon. Mortimer also made an attempt to prolong the state of war on the border. Nothing, however, came of these preparations during this year: the new government professed itself to be provisional, and negotiations were resumed, by which the king of France, now better informed, was to settle all controversies. In December a summons went forth for a new parliament.

Conduct of the new Government.

This is the famous parliament, as it is called, of Simon de Montfort, the first assembly of the sort to which representatives of the borough towns were called; and thus to some extent forms a landmark in English history. It was not made a precedent, and in fact it is not till thirty years after that the representatives of the towns begin regularly to sit in parliament; but it is nevertheless a very notable date. Nor was the assembly itself what would be called a full and free parliament, only those persons being summoned who were favourable to the new *régime*; but five earls and eighteen barons, and an overwhelming number of the lower clergy, knights, and burghers, who were of course supporters of Earl Simon. It met on January 20, 1265, and did not effect

The Parliament of Simon de Montfort.

much. Edward, however, was allowed to make terms for his liberation, and Simon secured for himself and his family the earldom of Chester, giving up to Edward, however, other estates by way of exchange. The liberation of Edward, who was released on the condition of surrendering his castles, staying for three years in England and keeping the peace, led immediately to the earl's overthrow. Edward was to live under surveillance at Hereford—far too near the Mortimers and the Welsh border. This was carried out; Edward was liberated on March 10.

Already, however, dissensions were springing up. Earl Simon's sons, who did very little credit to his instructions, and on whom perhaps some of the blame may rest of which otherwise it is impossible to acquit their father, managed to offend the Earl of Gloucester. They challenged the Clares to a tournament at Dunstable. When they were ready and already angry and prepared to turn the festive meeting into a battle, it was suddenly stopped by the king or by Earl Simon, acting in his name. Gloucester and his kinsmen deemed themselves insulted, and immediately began to negotiate with the Mortimers; and, when hostilities were just beginning, Edward escaped from his honourable keeping at Hereford and joined the party.

Impolicy of Earl Simon's sons.

From this point action is rapid. Simon, with the king in his train, marched into the West, and advanced into South Wales. Edward and Gloucester, joined by Mortimer, mustered their adherents in the Cheshire and Shropshire country, and then rushed down by way of Worcester on the town of Gloucester, which surrendered on June 29, thus cutting off the earl's return to England. The younger Simon de Montfort, the earl's second son, was summoned to his father's aid, came up from Pevensey, which he was besieg-

Battle of Evesham. Death of Earl Simon.

ing, plundered Winchester, and took up his position at Kenilworth. His father meantime had got back to Hereford and formed a plan for surrounding Edward. Edward, however, had now learned vigilance and caution. He took the initiative, succeeded in routing the young Simon and nearly capturing Kenilworth, and thus turned the tables on the earl. Simon marched on to Evesham, expecting to meet his son; instead of his son he met his nephew; and on August 4 the battle fought there reversed the judgment of Lewes. There the great earl fell, and with him Hugh le Despenser, the barons' justiciar, fighting bravely, but without much hope.

The interest of the reign, and indeed its importance, ends here. Simon is the hero of the latter part of it, and the death of Simon closes it, although the king reigns for seven years longer. The war does not end here: the remnant of the baronial party held out at Kenilworth until October 1266. There the last supporters of Earl Simon, the men whose attitude towards Henry was unpardonable, had made their stand. The final agreement which was drawn up at the siege, and which is called the Dictum de Kenilworth, was intended to settle all differences, and for the most part it did so, by allowing those who had incurred the penalty of forfeiture to redeem their possessions by fines. But until the end of 1267 there were constant outbreaks. The Isle of Ely was made the refuge of one set, just as it had been two hundred years before, in the time of the Conqueror. The Earl of Gloucester raised the banner of revolt, declaring that the king was dealing too hardly with the victims, and the Londoners were very loth indeed to lose the power and advantages which they had secured by their alliance with Simon. But gradually all the storm subsided. In the parliament of Marlborough, in November 1267, the king re-

Dictum de Kenilworth.

newed the Provisions of Westminster of 1259, by which the most valuable legal reforms of the constitutional party became embodied in statutes. In 1268 the papal legate held a council for the permanent maintenance of peace, and Edward, with many of the leading nobles, took the Cross. In 1270 they went on Crusade, and the Londoners were restored to favour. In December 1271 the King of the Romans died, broken-hearted at the loss of his son Henry, who was murdered by the Montforts at Viterbo. In 1272, on November 16, Henry III. died; and so completely was the kingdom then at peace, that Edward, although far away from England, was at once proclaimed king, and oaths of fealty were taken to him in his absence.

Death of Henry III.

The long struggle had not yet come to an end: more than twenty years were yet to elapse before Edward I. recognised the fundamental justice of the claims of his subjects, and admitted all the estates to that full and equal share in the action of the country which lies at the basis of our national constitution. We may perhaps ask whether Simon de Montfort deserves that character of a hero, the hero of mediæval history, which is commonly attributed to him. We can only attempt to realise the motives that swayed him. There is no doubt that he was a great man, a much greater man as he was a much better and wiser man than Henry, and perhaps better, certainly wiser and greater, than such men as Gloucester. But that he was absolutely a patriot, or absolutely wise and good, it is needless to affirm and impossible to prove; nor is it necessary that in attempting to estimate his personal eminence we are to look at him through the medium of his political glories. There is no question that the objects which were aimed at by the baronial policy were necessary, and the attainment of them, when they

The struggle continued.

were attained, was beneficial. It is possible, though not probable, that had Simon never existed those objects would never have been attained; also it is quite possible that if he had not forced on rebellion the objects might have been attained long before they were. That we cannot decide. But there are three points to be considered. Were the aims of the barons beneficial? Was Simon a great and good man? Were all the motives of his party and the means taken to realise them good and justifiable? To the first two questions unhesitatingly we may answer, yes. The barons wanted only what was fair. Simon de Montfort was a great and good man. The third question is not so easy. It is better to allow that there were mixed motives and unjustifiable expedients. Simon was not successful as an administrator, he could not maintain peace even when he had the whole kingdom at his feet. His expedient for governing was fanciful and cumbrous. His own conduct in his elevation was not quite free from the charge of rapacity. He stands out best and most grandly in comparison with the meanness with which he was surrounded—the paltry, faithless king, the selfish and unscrupulous baronage. He is relatively great; but he is not perfect. He is scarcely a patriot—a foreigner could hardly be expected to be so. He is somewhat more distinctly a hero, but he never quite rids himself of the character of the adventurer.

CHAPTER X.

EDWARD I.

Position and character of Edward—The Crusade—The Accession—The Conquest of Wales—Edward's legal reforms—Financial system—Growth of Parliament.

IF ever king came to his throne with a distinct understanding of the work that lay before him, that king must have been Edward I. The lessons of the last fifteen years of his father's reign had not been thrown away upon him. He had been trained for the task of reigning, as well by his father's mistakes and misgovernment as by the means which the nation, under Earl Simon and the barons, had taken to remedy the evils which those mistakes and misgovernment had produced. He must have known that England required sound laws and strong administration, an adequate organisation for national defence, and effective methods for preserving internal peace; and the history of the late reign must have taught him not only that without the sympathy and co-operation of the nation at large these ends could not be secured, but that the nation was itself ready, educated sufficiently and united sufficiently, to give the aid that he required. Earl Simon and his companions had perished, but the great end of their work had been achieved: they had made it impossible for a king again to rule as John had ruled, and as Henry had tried to rule. They had drawn out a plan of reform in the laws which Henry himself had accepted after their death, although he had struggled against it and evaded it whilst they lived; for most of the articles which had been forced upon him at

Political education of Edward I.

Oxford in 1258, and at Westminster in 1259, he had re-enacted in the great statute of Marlborough, in 1267. He had reformed his expenditure; he had observed the constitutional rule of not taxing without the consent of the national council; he had even on some occasions called together representatives of the towns and counties, as Simon had done, although he had not so far imitated his rival as to make them an integral part of his Parliament. And thus the great contest had immediate effects even under Henry.

Motives determining Edward's Crusade.

Edward had learned the deeper lessons; he had conceived the desire of satisfying the more essential needs of his people. Hence, perhaps, in part, his willingness to go on the Crusade. He knew that he had made enemies in the late war; a few years would heal the old wounds. He knew that the land was exhausted; a few years' rest would give it time to recruit. If he were likely to be the cause of unrest, he was better away; and even if he should not return until he returned as king, he might begin his new career less hampered than he would otherwise have been by the policy of his father.

Edward's English policy.

But Edward was qualified to do far more than merely restore the strength and energy of his fainting people; he was fitted to start and guide them on a new path of progress. He seems to have possessed, with his English name, the desire, which he certainly did not inherit, of being an English king; of putting himself at the head of his English people to make England a great power in Christendom. His aim no doubt was to secure that place for his descendants, not, as Henry II. had done it, simply by founding a great family inheritance of states scattered and divided, but as the true king of a people strong in the feeling of national unity, bound together by good laws, but more so by a

sense of national identity, an intelligent participation in all national designs. The restoration of law and order, the determination that the English crown should be supreme within the British isles, the assertion and realisation of the idea that the king should work as the leader and spokesman of a nation that could enter into his plans and take a share of his responsibilities—these thoughts must have been more or less before Edward's mind from the beginning of his reign. Very possibly he foresaw little of the exact path in which he was going to walk; the exact points of legal reform, the opportunities for conquest, the exigencies in which he would have to act for the execution of his great designs, no doubt broke gradually on his view as he proceeded. He had still something to unlearn as well as something to learn. If in spirit he was English, he was in education and by association French; if he was to be a great national king, still his idea of kingship had too much of an inherited form, a form which it did not surrender without a struggle. His greatness was not without an element which sets it far above all the greatness that arises from mere success; he had to learn, and he learned, to rule himself, to cast away his own cherished idea of reigning, and faithfully and honourably abide by the conditions which, although forced upon him, he saw at last were needed for the true realisation of his character as a national king. He was not free from faults; it is no small part of his grandeur that, in a nature so strong as his, and with temptations so powerful as those which were presented to him, those faults had so little sway. Of an eminently legal mind, he was too apt to take captious advantage of his legal position, somewhat prone to evade responsibilities to which the letter of the law did not bind him. This weakness was the source of all his mistakes and the cause of all his failures; but this

Edward's idea of kingship.

was all. His mistakes were few, and his failures fewer still. Yet, as we shall see, he did not realise all that he hoped, nor was his actual contribution to national progress exactly what he designed. There are dark lines in his history as well as bright ones. Of his schemes some were too early, some too late for success; and in some points he drew the outline rather than built the fabric that was to last. Still his reign is a great era; he is the great lawgiver, the great politician, the great organiser of the mediæval English polity.

Edward was thirty-three years old at the time of his father's death. He had been for eighteen years a married man; his wife, Eleanor of Castille, was the sister of that Alfonso the Wise who had been the competitor of Richard of Cornwall for the imperial crown, a noble and faithful lady. He himself was a tall, strong man, an adept in all knightly accomplishments, brave to rashness, and now skilled and experienced in war. His crusade had not been a successful one. Late in starting, he had reached the African coast in the autumn of 1270, to find Lewis IX. dead, and the hopes of the pilgrims already waning. After spending the winter in Sicily, he had, in May 1271, gone on, like Richard Cœur de Lion, to Acre, and had spent more than a year in an attempt to retrieve the fortunes of the Frank kingdom. It was quite in vain. Mutual jealousies and universal mistrust had eaten out the heart of the Crusaders. A few dashing exploits, and a few almost wanton inroads, could do little more than exasperate the hatred of the Moslem. Edward played his part as a knight, but he had neither force nor opportunity to do more. Still he made himself feared; and an attempt at assassination in June 1272, warned him of the risks he was running. An emissary of the Sultan Bibars struck him in his tent. The weapon was poisoned, it was said, and the story was told and be-

Crusade of Prince Edward.

lieved, that his faithful queen, who had followed him in his pilgrimage, had sucked the poison from the wound. Two months later he sailed homewards, thoroughly disappointed, and heavily burdened with the cost of his expedition. He was slowly proceeding on his way, when, at Capua, in January 1273, he received the news of his father's death and of the death of his eldest son John, a boy of six. Quickening his pace, he went on at once to Rome, visited the Pope at Orvieto, and crossed by the Mont Cenis pass to Lyons; thence to Paris, where he did homage to King Philip III. for his French provinces; and then into Gascony, where he was delayed for another year before he could come to England to be crowned.

Edward's accession to the English crown.

England was still at rest. The royal dignity of Henry III. passed on at once to his son. There was no formal interregnum such as had always occurred before, between the death of the old king and the coronation of the new. Edward was proclaimed without being waited for. The king's peace was maintained by the royal council, and the three ministers to whom, before he started, he had committed the defence of his private interests, undertook to govern England in his stead. Archbishop Giffard of York, Roger Mortimer, the great lord of the Welsh Marches, who had helped him so well in 1265, and Robert Burnell, his confidential chaplain, the man who was to be his prime minister during half his reign, acted as regents in his place, and were at once recognised by the baronage and nation as his agents. Competitor there was none. Gilbert of Gloucester, the brilliant and somewhat erratic earl who had tried to act as arbiter in the last scenes of the barons' war, and had lost the confidence of both parties, had sworn to King Henry on his deathbed that he would maintain the rights of Edward. He, as

Administration of the kingdom during Edward's absence.

the first baron of the kingdom, took the oath of allegiance to the new king at his father's funeral. Early in 1273 a great assembly of all estates of the realm, an assembly not only of barons and prelates, but of knightly representatives of the shires and citizens deputed by every city, met at Westminster, and bound themselves by the same oath. One or two faint reports of local tumult served only to mark the profoundness of the general peace. The government worked in quiet; even money was raised without much murmuring.

On August 2, 1274, Edward I. landed at Dover, and on the 19th he was crowned. At once the work of his reign began. He was a warrior and a lawgiver by nature, education, and opportunity; the exigencies of the time made him a financier also; and the occasion speedily arose for him to display his powers in each capacity.

Coronation of Edward.

The princes of North Wales had long been a sharp thorn in the side of England. Neither force nor friendly alliance had been strong enough to keep them quiet. The love of independence, the inheritance of proud, although illusory traditions, the attachment of an affectionate people, the possession of remote mountain fastnesses, the antipathy as strongly felt towards the Norman as it had been towards the Saxon, combined to prevent either peace or submission. All the other races had combined on the soil of Britain, the Welsh would not. The demands of feudal homage made by the kings of England were evaded or repudiated; the intermarriages by which Henry II. and John had tried to help on a national agreement had in every case failed. In every internal difficulty of English politics the Welsh princes had done their best to embarrass the action of the kings; they had intrigued with every aspirant for power, had been in league with every rebel. At

Turbulence of the Welsh princes.

the beginning of the reign of Henry III. they had conspired with Falkes de Breauté against the Marshalls; at the close of it they were in intimate alliance with the Montforts. Not only so; the necessity of guarding the Welsh border had caused the English kings to found on the March a number of feudal lordships, which were privileged to exercise almost sovereign jurisdictions, and exempted from the common operation of the English law. The Mortimers at Chirk and Wigmore, the Bohuns at Hereford and Brecon, the Marshalls at Pembroke, and the Clares in Glamorgan, were out of the reach of the king, and often turned against one another the arms which had been given them to overawe the Welsh. There they had an open ground for combats which they could not wage where English law was strong. So long as the Welsh were left free to rebel the Marchers must be left free to fight.

Edward had long known this. He too had been put in the position of a Marcher. His father had given him, in 1254, a great territory in Wales, between Dee and Conway, and into it he had tried, with signal ill success, to introduce English laws. He probably knew that one of his greatest tasks, when he came to the crown, would be this. And he had not to wait for his opportunity. Llewelyn, the prince of North Wales, had, by the assistance given to Simon de Montfort, earned as his reward a recognition of his independence, subject only to the ancient feudal obligations. All the advantages won during the early years of Henry III. had been thus surrendered. When the tide turned Llewelyn had done homage to Henry; but when he was invited, in 1273, to perform the usual service to the new king, he refused; and again, in 1274 and 1275, he evaded the royal summons. In 1276, under the joint pressure of excommunication and a great army which Edward brought against him, he made a

Rebellion of Llewelyn, Prince of North Wales, and his brother David.

formal submission; performed the homage, and received, as a pledge of amity, the hand of Eleanor de Montfort in marriage. But Eleanor, although she was Edward's cousin, was Earl Simon's daughter, and scarcely qualified to be a peacemaker. Another adviser of rebellion was found in Llewelyn's brother David, who had hitherto taken part with the English, and had received special favours and promotion from Edward himself. The reconciliation of Edward and Llewelyn had put an end to his hopes of supplanting his brother, and he had drawn closer to him, in order to entangle him in a rebellion for which he was always ready. The peace made in 1277 lasted about four years. In 1282 the brothers rose, seized the border castles of Hawarden, Flint, and Rhuddlan, and captured the Justiciar of Wales, Roger Clifford. Edward saw then that his time was come. He marched into North Wales, carrying with him the courts of law and the exchequer, and transferring the seat of government for the time to Shrewsbury. He left nothing undone that might give the expedition the character of a national effort. He collected forces on all sides; he assembled the estates of the realm, clergy, lords, and commons, and prevailed on them to furnish liberal supplies; he obtained sentence of excommunication from the Archbishop of Canterbury. The Welsh made a brave defence, and, had it not been for the almost accidental capture and murder of Llewelyn in December, England might have found the task too hard for her. The death of Llewelyn, however, and the capture of David in the following June, deprived the Welsh of their leaders, and they submitted.

Edward began forthwith his work of consolidation. David, as a traitor to his feudal lord, a conspirator against his benefactor, a blasphemer of God, and a murderer, was tried by the king's judges at Shrewsbury and sentenced to a terrible death, the details

Conquest of Wales.

of which were apportioned according to the articles of the accusation. Justice satisfied, Edward devoted himself to the securing of his conquest; in 1284 he published at Rhuddlan a statute, called the Statute of Wales, which was intended to introduce the laws and customs of England, and to reform the administration of that country altogether on the English system. The process was a slow one; the Welsh retained their ancient common law and their national spirit; the administrative powers were weak and not far-reaching; the sway of the lords Marchers was suffered to continue; and, although assimilated, Wales was not incorporated with England. It was not until the reign of Henry VIII. that the principality was represented in the English Parliament, and the sovereignty, which from 1300 onwards was generally although not invariably bestowed on the king's eldest son, conferred under the most favourable circumstances little more than a high-sounding title and some slight and ideal claim to the affection of a portion of the Welsh people. The task, however, which the energies of his predecessors had failed to accomplish was achieved by Edward. All Britain south of the Tweed recognised his direct and supreme authority, and the power of the Welsh nationality was so far broken that it could never more thwart the determined and united action of England.

Statute of Wales.

During the first ten years of the reign the Welsh war and rumours of war were the chief matters that distracted Edward from the scarcely less congenial work of legislation and political organisation. The age was one of great lawgivers. Frederick II. had set the example in Naples, and his minister Peter de Vineis had codified there the laws and constitutions of the Norman kings of Sicily. Lewis IX. had in his 'Etablissements' created a body of law for France, and Alfonso the Wise

Edward as a lawgiver.

in the 'Siete Partidas,' or seven divisions of a system of universal law, had tried to do the same for Spain. Law had become a chief subject of study in the universities, and Englishmen, especially clergymen, had been used for a century to go to Bologna to read the canon and civil law under the great professors there. In England the expansion of judicial machinery and judicial business, which followed the reforms of Henry II., had worked, out of old and new materials, a body of customs which became known as the common law; and one great summary of the hitherto unwritten law of England had been published towards the end of the last reign by Henry Bracton, one of the judges of the king's court. Men's minds had been invited by these and the like influences to this study. The nation, awaking to political work, began to see the necessity of changing or amending the existing system of law.

Probable plan for the codification of the law.

In undertaking the work of a lawgiver Edward I. was simply approaching one part of his duty as a king; but his own mind had, as has been said, a legal bent; his chief minister Robert Burnell was a great lawyer; in his journey through Italy he had engaged the services of Francesco Accursi, an eminent jurist of Bologna, whose father had written a body of explanatory glosses on the Roman law. It is probable that the king had set before himself the codification of the law as one great object. The work of Britton, another eminent judge of his time, which is written in French, and contains much that is not in Bracton, was published in Edward's name; and some of his longer Acts of Parliament contain provisions so varied and full as almost to constitute codes in special departments of law. But the English nation seems to have had a dread of too elaborate systems, and the whole of the national law has

never yet been under supreme authority embodied in a single compilation.

The legislation of Edward I. must be sought in the statute books. It may be generally described as an attempt to develop and apply the principles which had been conceded in Magna Carta, and to adapt them to the changed circumstances of his time. That document had now become, what the laws of Edward the Confessor had been in the reign of Henry I., and the laws of Henry I. under John, the watchword of the party which was bent on preventing any increase or abuse of royal power.

Principles of Edward's legislation.

Edward himself, who took for his motto the words 'Pactum serva,' which may be seen upon his tomb, not unnaturally regarded the demands which were made for the re-issue of the Great Charter as a slur upon his good faith. Only once during the first half of his reign did he undertake to re-confirm it; and when the Archbishop of Canterbury in 1279 obtained the enactment of a canon by which copies of the charter were to be affixed to the doors of the churches, the king interfered to forbid it. It is not too much, perhaps, to say that it was the legal rather than the constitutional articles of the Great Charter that he took the most pains to develop. The influence of the great lords is conspicuous in some of the provisions of his statutes which tend to restrict the liberty of alienating lands Jealousy of ecclesiastical aggrandisement appears in others which forbid the acquisition of new estates by the clergy. It cannot be supposed likely that a king like Edward would miss his opportunity of strengthening the hold which he had on both barons and prelates. The idea of constitutional liberty had now grown so powerful that he knew that he could no longer make laws, or raise taxes, or even go to war without their consent. In those

Edward and the Great Charter.

respects he could not coerce them. But the legal rights which the crown had over its own vassals were a different matter. It was quite practicable for him to exact the full payment of feudal services, to prevent the impoverishment of the crown by the transference of estates which paid a large revenue to the king on the occasion of successions or marriages or wardships, into the hands of religious corporations which neither died nor married nor required tutelage. It was equally practicable to prevent the owners of great estates from cutting up their property, by what was called subinfeudation, into smaller holdings, which would not, any more than the church lands, render to the king the feudal services that he required. Two of Edward's most famous statutes—the statute 'De Religiosis,' in 1279, and the statute 'Quia Emptores,' in 1290, were intended to secure these two points.

Feudal powers of the king.

Again, all measures for the due interpretation and execution of the law protected the people at large against the usurpations of their strong neighbours. It is not to be forgotten that although in England the feudal landlords had, more than a century before, been deprived of their power to usurp jurisdiction over their vassals, and obliged to admit the king's judges, still a great part of Europe was governed under the old plan. We have seen how, during the barons' war, the party opposed to the king was divided between those who really desired the freedom of the people, and those who wished to restrict the king's power in order to increase their own. In some important matters of judicial proceeding the interests of the crown and of the people at large were still united in opposition to the claims of the great landowners. Hence the importance of regulating and improving the courts of provincial judicature, the limitation of the functions of the sheriffs, which fell constantly

Power of the feudal lords.

into the hands of local magnates; the organisation of the sessions of the king's judges, and the opening of ways by which suits, which could not be fairly or justly settled in the country, might be heard in the king's courts at Westminster. It is to the early years of Edward I. that we owe the final division of the three great royal tribunals; the Court of Exchequer, in which were heard all causes that touched the revenue; that of King's Bench, which determined suits in which the king was concerned, criminal questions on the matters, which under the name of 'pleas of the crown' were reserved for his particular treatment; and that of Common Pleas, which heard suits between private individuals. Now these matters were apportioned to three distinct staffs of judges, instead of being heard indiscriminately by the whole or part of the judicial body. The circuits of judges of assize were defined during the same period of the reign. Many other measures for the protection of life and property helped to increase the feeling of security in the body of the people, to further the growth of loyalty, and at the same time to increase the royal income.

Courts of Exchequer, King's Bench, and Common Pleas.

A third principle of Edward's legislation may be discovered in the careful reform and expansion of some of the most ancient institutions, which he knew had in former reigns assisted greatly in the defence of the crown and in the maintenance of peace and order. In the Statute of Winchester, in 1285, he placed the ancient militia system, which Henry II. had remodelled by the Assize of Arms, upon a better footing, and re-organised the 'watch and ward,' by which the particular districts and communities were trained to keep order and to search for and arrest criminals. Similar methods were followed in the preparations for national defence in 1294, and both by sea and land the old duty of

Statute of Winchester.

guarding the country was based upon the same primitive system. In all these particular points we may trace a purpose of developing the policy by which Henry II. had tried to overthrow the influence of feudalism, and to strengthen his administration by alliance with the great body of the free people; by placing arms in their hands, providing them with just and accessible tribunals, and by diminishing, as far as could be done, the means which the landlord had of oppressing those who held their land under him. We shall see by and by how the same principles affected his plans, or the plans which circumstances forced upon him, for the development of the Parliament and constitution. But before doing this we must look at the question of finance, which, with those of war and legislation, gave him, from the very beginning of the reign, a great deal of hard work. This has been already sketched in connexion with the work of Henry II. It must now be viewed in fuller detail.

Sources of the royal revenue.

The sources of royal revenue were various rather than abundant. There were, first of all, the estates of the crown, crown lands strictly so called, which the king as king possessed and managed like any other landlord, out of which he provided for his family and friends, and which, in spite of the national jealousy of favourites, were always more liable to be diminished than to be increased. Of the same class, though with some important differences, were the estates which fell into the hands of the sovereign on the extinction of great families or the forfeiture of their owners; so the earldom of Chester had come into the hands of Henry III. on the death of the last earl, and the estates of the Montforts after the battle of Evesham. These estates —escheats, as they were called—seldom remained long in the king's hands; the magnates did not like to see the inheritances of their fellows one by one absorbed in the

royal domain, and it was necessary from time to time to provide for new rising men and for younger sons of the king. The possession of crown estates is, of course, common to all ages and forms of royalty. But a somewhat intricate system pervades the English finance of the middle ages, and grows out of the growing history of the nation itself. Under the Anglo-Saxon kings there had been little call for taxation. The king had a revenue from the public lands of the nation, which furnished him with provisions and money, enough to supply all needs that were not satisfied from his royal estates. It was a part of the sheriff's duty to collect these contributions, and they were later on fixed at a regular sum to be paid by the sheriff, and exacted by him from the county he ruled. All local administration was maintained by popular action, the landowners being liable for the three great tasks called 'trinoda necessitas,' the building of bridges and fortresses, and the service in arms for national defence; and thus the king had little expense if he had little revenue. In the great emergencies, however, of the Danish wars, a tax of two shillings on the hide of land, the famous Danegeld, was established and became perpetual.

The Exchequer.

These three, the royal lands, the contributions of the shires, and the Danegeld, were the sources of revenue which William the Conqueror found when he had secured his hold on England. Under him, or under the ministers of William Rufus, were introduced a number of new expedients for raising money, expedients which were made easy by the new doctrine of land tenure that had been brought in at the Conquest. The Norman kings did not commute the old for the new methods, but simply added the feudal burdens to the ancient national taxes. The Exchequer under Henry I. audited the national, or rather the royal,

accounts; twice a year the sheriffs paid the 'ferm'—that is, the composition or rent for the ancient dues of their counties—the Danegeld, and the fines arising from the local courts of law; but at the same times were paid the feudal incidents, the reliefs, the sums which the son paid to secure the inheritance of his father, the profits of marriages, of wardships, and the aids which the king as feudal lord of the whole land claimed as a right from his vassals. Henry I. had, in the beginning of his reign, promised to make these demands definite and reasonable, and he had done so; but they were heavy notwithstanding. Still nothing beyond these could, even on the feudal theory, be taken from the subject without the consent of the national council. When the king's necessities were too great to be met by the ordinary means, the barons and bishops in council were asked for a grant; and the inferior classes received in the county courts an intimation of what they were expected to contribute. It is true that there was little liberty of refusing or chance of evading, payment, but a certain form of consent on the part of the taxpayer was thus maintained.

After the time of Henry I. important changes had taken place in the matter of taxation, many of which have been noticed in our former pages. Henry II., as we saw, introduced the payment of scutage, by which the landowners contributed money instead of serving personally in arms. He likewise got rid of Danegeld, and consulted the towns and shires on the amount of grants required, by means of his itinerant judges. Until now all taxation had been defrayed by the land, except in the boroughs, where the contribution required was often raised by a poll-tax, an equal sum per head imposed on every inhabitant. Towards the end of the reign of Henry II. the custom of

Changes in the modes of taxation.

taxing moveables, household furniture, and stock was introduced; first, in order to raise the national contribution for the Crusade, known as the Saladin tithe. Great part of the money required for Richard's ransom was levied in the same way, and under John and Henry III. this became the most common way of taxing. A seventh, a tenth, a fifteenth, or a thirtieth of 'moveables' was from time to time asked for, and the more frequent the need became the more fully was developed the idea that the taxpayer had a right to be consulted on the amount which he was to pay, and to gain, if he could, some advantage in return. John's frequent demands for money, and the illegal ways in which he took it, led to the exaction of the famous promise embodied in the 12th article of the Great Charter: 'No scutage or aid shall be imposed in our kingdom unless by the common counsel of our kingdom, except to ransom our own person, to make our firstborn son a knight, and to marry once our firstborn daughter.' The 14th article describes the assembly which is to be called when any such impost is required: 'We will cause our archbishops, bishops, abbots, earls, and greater barons to be summoned severally by our letters, and besides we will cause all who hold of us in chief to be summoned by general summons by our sheriffs and bailiffs.'

The growth of the country in wealth during the first half of the reign of Henry III. made this plan of raising revenue the most convenient and the easiest. As there were few foreign expeditions there was little opportunity of asking for scutage, and nearly all the regular taxation was raised from moveables, or, as we should now say, personal property. On each occasion on which such a grant was demanded, the barons and bishops tried to obtain some compensation in the shape of a re-issue of the charters or an amendment

The revenue under Henry III.

of the law. The many confirmations of the charters during that long reign were, it may be said, purchased from the crown in this way. But Henry could not obtain grants sufficient to meet the requirements of his greedy and extravagant court. He exacted, contrary to the letter and spirit of the charter, large sums from the citizens of London, under the name of gifts; from the Jews, whom he looked upon very much as if they were part of the farming stock of his realm; and from every class of persons whom he could draw within the meshes of his legal nets, he exacted money by fine or composition for real or imaginary offences.

But besides the land and the personal property of its inhabitants there was another source of income which ultimately was to become most lucrative—the taxation of merchandise, imported and exported, and especially the wool, wool-fells, and leather, which were, if not exactly the chief produce of the land, at least the most profitable, the least easy to conceal, and the most easy for the king's ministers to confiscate. These two branches of indirect taxation, although distinct in themselves, were managed by the same machinery—that of the customs; and they have to be treated together. But the taxes on imported merchandise had their origin in the licences to trade or to introduce particular sorts of goods, which it was one of the ancient rights of the king to grant, whilst the taxes on exported produce were primarily a part of the general system of taxing moveables. Both had been long in requisition; the privileges of the foreign merchants had been a source of profit even before the Conquest; the wool of the Cistercian monks and other great sheep-farmers had been demanded for Richard's ransom, and both classes had suffered under John and Henry III. Magna Carta had contained, in its 41st

The customs revenue. Imports and exports.

article, a distinct provision in favour of free trade, which would have obviated the evils of mismanagement in this department, if it could have been carried out. All merchants were to have safe ingress and egress to and from England, and to pay only the right and ancient customs. But such a provision did not forbid separate negotiations between the king and the traders, by which both made a profit to be wrung from the consumers. One part of Edward's financial policy was to bring the customs into order and make them permanently and regularly profitable, and this he undertook in his first parliament.

He had come home, deep in debt, to an inheritance heavily encumbered by his father's debts. He had obtained from the Pope, whom he visited at Orvieto on his way, permission to exact a tenth of the income of the clergy for three years. But this would not be sufficient. He took counsel, therefore, with the Italian bankers, who had already obtained a footing in England, and devised the plan of obtaining from his assembled estates a permanent revenue from wool; half a mark—that is, six shillings and eightpence—on each sack of wool exported. This is the legal foundation of the English customs. It was formally granted in the parliament which met soon after Easter 1275, and with a grant of a fifteenth of moveables, and the tax already imposed on the clergy, provided him with a revenue which carried on the government for some years. Nor did it require material increase until Edward, in 1292 and 1293, became involved in a new series of wars.

Parliamentary settlement of revenue on Edward I.

The exigencies of the Welsh war, the necessity for legal changes, and the orderly arrangement of the royal revenue, could not have failed to make their mark on the growth of parliament, even if Edward had not learned the lessons of constitutional lore which his father's reign had

furnished; and, even without those lessons, Edward was eminently qualified by the very habit of his mind to be a constitutional reformer. Accordingly, in the parliaments of his reign, especially in those which were called at irregular intervals from 1275 to 1295, are found the clearest, most distinct, steps of growth, which led to the complete organisation of the three estates of the realm in one central assembly. And here, again, we must take a brief retrospect.

Summoning of representative assemblies for purposes of taxation.

The days were long past in which either the king, the barons, or the nation at large were content to see the kingdom managed by a council of barons and bishops, gathered round a sovereign who was of necessity either strong enough to coerce them or too weak to resist them. From the very beginning of the century the right of the taxpayer to give or refuse had been becoming more clearly recognised; and the methods which under Henry I. and Henry II. had been used for facilitating the collection of money provided a machinery which could be used for still more important purposes. In the twelfth century, when the king wanted money, and had declared in his council what he expected, he sent down his justices or barons of the Exchequer to arrange with the towns and counties the sums which were to be contributed. Whilst land only was taxed all questions of liability could be answered by reference to Domesday Book; but when personal property was taxed it was necessary to discover how much each man possessed before he could be made to pay. This could be ascertained only by consulting his neighbours; and, in order to do this, a system of assessment was devised by which the property of each taxpayer was valued by a jury of his neighbours. The custom of electing these assessors, and, further, of electing collectors for the counties, treasurers, and similar

officers, familiarised the people with the idea of using representation for such business. For legal transactions they already used representation in the county courts. The grand jury which presented the list of accused persons to the king's judges on circuit was, for instance, an elected and representative body, chosen in the county court. The convenience of dealing thus with the government by representative accredited agents approved itself to both king and nation long before there was any idea of calling the representatives to parliament. On one occasion, in the reign of John, each shire had been ordered to send four discreet knights to speak with the king at Oxford; and that Council of St. Albans, in which mention was first made of the charter of Henry I., contained representatives from every township in the royal demesne. In 1254, when Henry III. was in France, the queen regent summoned representative knights to the parliament to make a grant. In the parliaments which were held in 1259 and afterwards, representative knights brought up the lists of grievances under which their constituents were groaning; and in 1264 Simon de Montfort had called up from both shires and boroughs representatives to aid him in the new work of government. That part of Earl Simon's work had not been lasting. The task was left for Edward I., to be advanced by gradual, safe steps, but to be thoroughly completed, as a part of a definite and orderly arrangement, according to which the English Parliament was to be the perfect representation of the Three Estates of the Realm, assembled for purposes of taxation, legislation, and united political action. Under this system the several communities were no longer to be asked to give their money or to accept the laws, by commissions of judges whom they could neither resist nor refuse, but were to send their deputies with full powers to act for them, to join with the

lords and the judges and the king himself in deliberation on all the matters on which counsel and consent were needed. The steps of the change may be traced very briefly.

Edward's first parliament, in 1275, enabled him to pass a great statute of legal reform, called the Statute of Westminster the First, and to exact the new custom on wool; another assembly, the same year, granted him a fifteenth. Both these are said to represent the 'communaulte,' or community of the land; but there is no evidence that the commons of either town or county were represented. They were, in fact, consulted as to taxation by special commissions, as had been done before. In 1282, when the expenses of the Welsh war were becoming heavy, Edward again tried the plan of obtaining money from the towns and counties by separate negotiation; but as that did not provide him with funds sufficient for his purpose, he called together, early in 1283, two great assemblies, one at York and another at Northampton, in which four knights from each shire and four members from each city and borough were ordered to attend; the cathedral and conventual clergy also of the two provinces being represented at the same places by their elected proctors. At these assemblies there was no attendance of the barons; they were with the king in Wales; but the commons made a grant of one thirtieth on the understanding that the lords should do the same. Another assembly was held at Shrewsbury the same year, 1283, to witness the trial of David of Wales; to this the bishops and clergy were not called, but twenty towns and all the counties were ordered to send representatives. Another step was taken in 1290: knights of the shire were again summoned; but still much remained to be done before a perfect parliament was constituted. Counsel was wanted for legislation,

Parliaments of Edward I.

consent was wanted for taxation. The lords were summoned in May, and did their work in June and July, granting a feudal aid and passing the statute 'Quia Emptores,' but the knights only came to vote or to promise a tax, after the law had been passed; and the towns were again taxed by special commissions. In 1294—for we must anticipate the thread of the general history—under the alarm of war with France, an alarm which led Edward into several breaches of constitutional law, he went still further, assembling the clergy by their representatives in August, and the shires by their representative knights in October. The next year, 1295, witnessed the first summons of a perfect and model parliament; the clergy represented by their bishops, deans, archdeacons, and elected proctors; the barons summoned severally in person by the king's special writ, and the commons summoned by writs addressed to the sheriffs, directing them to send up two elected knights from each shire, two elected citizens from each city, and two elected burghers from each borough. The writ by which the prelates were called to this parliament contained a famous sentence taken from the Roman law, 'That which touches all should be approved by all,' a maxim which might serve as a motto for Edward's constitutional scheme, however slowly it grew upon him, now permanently and consistently completed.

House of Lords.

The House of Commons was not the only part of the parliamentary system that benefited by his genius for organisation. The House of Lords became, under the same influence and about the same time, a more definitely constructed body than it had been before. Up to this reign the numbers of barons specially summoned had greatly varied. When they were assembled for military service they had been summoned by special writ, whilst the forces of the shires

were summoned by a general order to the sheriff. Although a much smaller number were requisite for purposes of counsel than for armed service, the two functions of the king's immediate vassals were intimately connected, and for a long period every baron or landowner who was summoned by name to the host might perhaps claim to be summoned by name to the parliament. But such a summons was a burden rather than a privilege. The poorer lords, the smaller landowners, would be glad to escape it, and to throw in their lot with the commons, who were represented by elected knights; nor were the kings very anxious to entertain so large and disorderly a company of counsellors. The custom of calling to parliament a much smaller number of these tenants-in-chief than were called to the host must have grown up during the reign of Henry III., as the idea of representation grew. From the reign of Edward I. it became the rule to call only a definite number of hereditary peers; and, although that rule was not based upon any legal enactment or any recorded resolution of government, it quickly gained acceptance as the constitutional rule: the king could increase the number of lords by new writs of summons, and the special writ conferred hereditary peerage. This limited body was the House of Lords, and the dignity of the peerage descended from father to son, no longer tied to the possession of a particular estate or quantity of land held of the king.

With the representatives of the commons and the estate of the lords Edward associated a representative assembly of clergy; delegates were to be sent from each diocese to each parliament to assist in the national work and to tax the ecclesiastical property. And the form invented by Edward in 1294 still subsists, although for many centuries no such representatives have been chosen or sat in parliament.

Representation of the clergy.

In truth the clergy were averse to obeying the mandate for their appearance in a secular parliament, and preferred to vote the money, which it would have been very difficult for them to refuse, in the two provincial convocations of York and Canterbury, which likewise contained their chosen representatives, assembled as a spiritual council. These were called together by the writs of the two archbishops; they could, through the bishops, act in concert with the parliament, and were not unfrequently, in modern times invariably, called together within a few days of the meeting of parliament.

National policy of Edward I.

The latter half of Edward's reign witnessed most of the critical occasions which opened the way for these changes or improvements in the constitutional system, and supplied means for testing their efficiency. These must form the subject of another chapter. But we may pause, before we proceed, to mark definitely one other note of Edward's policy. Henry II. had done his best to get rid of the feudal element in judicial matters, and to create a national army independent of the influences of land tenure. He had sent his judges throughout the land and taken the judicature out of the hands of the feudal lords. He armed all freemen under the assize of arms, and, by instituting scutage, raised money to provide mercenaries. By the national militia at home and by mercenary forces abroad he strengthened himself so as not to depend for an army on that feudal rule by which every landlord led his vassals to battle. Edward I., whilst he still more perfectly carried out these principles, went further in the same direction, in his constitution of parliament. The representatives whom he called up from the shires and towns were chosen by the freemen of the shires and towns in their ancient courts; they were not the delegates of royal tenants-in-chief, but of the whole free people. Even

the barons who composed the House of Lords owed their places there not so much to the fact that they held great estates as the immediate vassals of the crown, as to the summons by which they were selected from a great number of persons so qualified. Even if this had not been the case, the institution of the House of Commons would itself have marked the extinction of the ancient feudal idea that the council of the king was merely the assembly of those who held their land under him. But it was so throughout Edward's policy. In court, and camp, and council, it was the general bond of allegiance and fealty, not the peculiar tie of feudal relation, by which he chose to bind his people, in their three estates, to help him to govern and to take their share in all national work.

CHAPTER XI.

THE CONFIRMATION OF THE CHARTERS.

Punishment of the judges—Banishment of the Jews—Scottish succession—The French quarrel—The ecclesiastical quarrel—The constitutional crisis—The confirmation of the charters—Parliament of Lincoln—Its sequel—War of Scottish independence—Edward's death.

EDWARD completed his work in Wales at the end of the year 1284. The next year was spent in legislation, and in the summer of 1286 he went to France. Edmund of Cornwall acted as regent in his absence, and he stayed away for three years. For two out of the three the country was at peace; in 1288, however, the absence of the king began to tell, and in 1289 the need of money for home and foreign purposes became pressing. The news that the Earls of Gloucester and Hereford were engaged in all but open warfare on the Welsh marches, and that the collected parliament of 1289

Evils consequent on the absence of the king.

had refused to sanction a new tax before the king came home, brought Edward back in the August of that year. He found that the public service had suffered sadly from the removal of the guiding hand. Complaints were pouring in against the judges of the Courts of Westminster; violence and corruption were charged upon the chief administrators of the law; and the king's first work was to try the accused, to remove and punish the guilty. The two chief justices and several other high officers were, after careful investigation, deprived of their places. The next thing was if possible to gain a stronger hold over the uneasy earls. Gilbert of Gloucester, whose assistance had enabled Edward to overthrow Earl Simon at Evesham, and who had been the first to take the oath of fealty at his accession, had been throughout his career marked by singular erratic waywardness. He was not yet an old man, and a project had been on foot for some time, by which he was to marry the king's daughter Johanna, who was born at Acre during the Crusade. This was now carried into effect, and thus one of the most dangerous competitors for influence in the country was bound more closely than ever to the king.

That done Edward looked round for means of raising money. And this was found in a device which has ever since weighed heavily on his reputation. The Jews were banished from England, and in gratitude for the relief the nation undertook to make a grant of money. The measure was no doubt generally acceptable; it was backed by the clergy, by the strong influence of Eleanor of Provence, the king's mother, and by his own bitter prejudice. Harsh, however, as this measure was, it was not a mere act of religious persecution. The Jews had, unfortunately for the nation and for themselves, devoted themselves to usurious banking when usury was forbidden to Christians. They had

Banishment of the Jews.

thus come to wear the appearance of oppressive money-lenders. They lived, too, under a system of law devised by the kings to keep them ever at the royal mercy; their accumulated stores of gold lay conveniently under the king's hand, and Henry III., whenever he wanted money, had been able to obtain it by extortion from the Jews. But, last and worst, they had allowed themselves to be used by the rich as agents in the oppression of the poor; they had made over the mortgages on small estates to the neighbouring great landowners, and in other ways had played into the hands of the nobles, whose protection was necessary to their own safety. They were hated by the poor. Great men, like Grosseteste and Simon de Montfort, had longed to see them banished; the accusation of money-clipping and forgery was rife against them, and two hundred and eighty had been hanged for these offences since the beginning of the reign. Edward was too bigoted or perhaps too high-minded to wish to retain them as useful servants when the nation demanded their expulsion. They were banished, and the price paid for the concession was a tax of a fifteenth granted by clergy and laity in the autumn of 1290.

Claims of Edward upon Scotland.

Just at this time the death of the young Queen of Scots opened to Edward the prospect of asserting his supremacy over the whole island, a prospect which within a few years tempted him to claim the actual sovereignty of Scotland. The design of a marriage between the young queen and Edward's eldest surviving son, Edward of Carnarvon, which had been already concluded, shows that the king contemplated the union of the two kingdoms in the next generation; her death disappointed that hope, but there is no reason to suppose that Edward, when he undertook to settle the Scottish succession, had in his eye any project of conquest.

The case of Scotland was very different from that of Wales. The Scottish people were a rising not a declining nation. The Scottish kingdom was a collection of states held by different historical titles, and inhabited by races of different origin, not a nationality struggling for existence. Southern Scotland was far more akin to Northern England than to Northern Scotland; inhabited by people of English blood and English institutions, and feudally held, like great part of England, by Norman barons. The royal race was a Celtic race, but Celtic Scotland gave to the kings little more than a nominal recognition; the strength of the royal house was in the Lowlands. Ever since the Norman Conquest the relations between Scotland and England had been close. Of the several provinces over which the Scottish king now ruled, Lothian was a part of the ancient Northumbria, which had been granted, according to English accounts, by either Edgar the Peaceable or by Canute to a Scottish king. South-western Scotland, or Scottish Cumberland, had been given by Edmund I. to Malcolm. The whole Scottish race had acknowledged as their father and lord Edward, the West Saxon king, the son of Alfred; and William the Conqueror, and William Rufus after him, had extorted a recognition of the superiority or overlordship of the King of the English. These were shadowy claims, certainly; but since the middle of the twelfth century there had been several instances in which either the King of Scots or his son had received English estates and dignities and done homage for them. The earldoms of Northumberland and Huntingdon had been thus held by Henry, son of David I., and the latter by his son William the Lion. Homage had on several occasions been rendered without any very distinct understanding whether it was for the English earldoms, for the Lowland provinces,

The Scottish kingdom.

or for the whole Scottish kingdom, that the overlordship of the English crown was acknowledged. Henry II. had, indeed, after the capture of king William, compelled both him and his barons to recognise his superiority in the strictest terms, but Richard had liberated them from that special bondage, and the mutual reservations or compromises, which both preceded and followed that short period of subjection, left the claims as vague as ever. Except during the same period the relations of the two kingdoms had been, since the death of Stephen, fairly friendly. The Scottish kings were married to kinswomen of the English kings; their political progress followed at some short distance behind, but in the footsteps of the progress begun under Henry II., and for nearly a century there had been only short and languid intervals of war. Now and then the Scots had pillaged or intrigued, but the two crowns were generally at peace. Edward's design for the Scottish marriage would have turned the peace into union; but the time was not come for that.

These facts will explain the position taken by Edward in 1290. He believed that upon him, as overlord, devolved the right of determining which of the many heirs was entitled to the succession. With great pomp and circumstance he undertook the task; obtained from the competitors a recognition of his character as arbitrator, and, after careful examination, decided the cause in favour of John Balliol, a powerful North Country baron of his own, in whom according to recognised legal right the inheritance vested. He was careful to obtain, on Balliol's accession, a distinct homage for himself and his heirs for the whole kingdom of Scotland. This was the work of 1291 and 1292; early in 1293 symptoms began to show themselves that the result would not be lasting. The rising troubles

Decision of Edward in favour of Balliol.

in the North were followed by an alarm on the side of France. The opportunity given by these troubles, and the means taken by Edward to meet them, combined to produce the complication of difficulties which brought about the great constitutional crisis of the reign in 1297. The several points must be taken in order: the relations with France first.

Relations of Edward with the French king.

In France Edward still possessed Gascony and some small adjoining provinces, which, after all the vicissitudes of the preceding century, had, mainly by the honesty and friendly feeling of Lewis IX. and Philip III., been preserved to the descendants of Henry II. In 1279 Eleanor of Castille, his wife, had claimed as her inheritance the little province of Ponthieu, lying on the coast between Flanders and Normandy, and her claim had been recognised by Philip III. But Philip died in 1285, and his son, Philip IV., generally known as Philip the Fair, was a true inheritor of the guile and ability of Philip Augustus. Edward's long visit to France, from 1286 to 1289, had been spent partly in arranging for a continuance of friendship with the king, and partly in securing and reforming the administration of Gascony; but he must have been aware that the jealousy with which Philip viewed him would sooner or later take the form of downright hostility. Until 1293, however, they continued to be friends. In that year a series of petty quarrels, between the Norman coast towns and the English sailors, and an outbreak between the Gascons and their neighbours, gave Philip his opportunity. He summoned Edward to Paris to render an account for the misdeeds of the offenders, and on his non-appearance condemned him to forfeiture. This was done with considerable craft. Edward, who had lost his faithful wife in 1290, was engaged in a negotiation for marriage with

Margaret, the sister of Philip; in preparation for that marriage a new enfeoffment or settlement of Gascony on the King of England and his heirs was agreed on. As a step towards that settlement the fortresses of Guienne were for form's sake placed in Philip's hands, and as soon as he had hold of them he declared Edward a contumacious vassal, for not having obeyed his summons to Paris. This was done in May 1294.

The news of this outrageous proceeding was received in England with great indignation, and for a moment it appeared that the nation was unanimously determined to uphold the rights of the king. Even John Balliol, the King of Scots, who had himself got into trouble owing to his divided duties to his subjects and his overlord, and who was present in the Parliament which Edward called in June, offered to devote the whole produce of his English estates to maintain the righteous cause. A great scheme was set on foot for foreign alliances: the Spaniards were asked for substantial assistance; the princes of the Low Countries, the King of the Romans too, were taken into pay. A thorough scheme for the defence of the coast and organisation of the navy was devised. Edward's urgent needs or consistent policy led him to assemble, as we saw, the estates of the kingdom, in a way in which they had never been brought together before, and the parliaments of 1294 and 1295 completed the formation of the constitutional system. But a rising on the Welsh border prevented any general expedition in 1294; and the dread of a common enemy threw the Scots in 1295 into correspondence with France. Edward, provoked at the delay, pressed by the deficiency and waste of his resources, had recourse to very exceptional measures for raising money, and so produced a reaction against the foreign war, and a combination of political forces most

Consequences of the quarrel with Philip the Fair.

dangerous to his own authority, and most trying to the new machinery of government at the very moment of its completion. The model parliament of 1295 was followed by the crisis of 1296, and the confirmation of charters of 1297.

So strong a king, so determinate a policy, was sure to provoke complaints; the very enforcement of order wears the appearance of oppression. Both clergy and laity had their grievances, and Edward's extremity gave them their opportunity. The clergy, with a certain number of bishops at their head, had throughout the struggles of the century ranged themselves on the side of liberty. The inferior clergy had always had much in common with the people, and John's conduct during the Interdict had broken the alliance which ever since the Norman Conquest had subsisted between the great prelates and the court. Stephen Langton had set an example which was bravely followed. Henry III., by his love of foreigners, his obsequious behaviour to the popes, and his unscrupulous dealings in money matters, alienated the national Church almost as widely as John had done; while Simon de Montfort had conciliated all that was good and holy. But when Henry III., with the abuses which he had maintained, had passed away, and when Church and nation alike saw that Edward was labouring for the benefit of his people with all his heart, matters might have been changed. There was doubtless need for watchfulness on the part of the clergy, for the ministers of the court were always on the look-out for means to limit the spiritual power; but defensive watchfulness is a different thing from aggression. Three successive archbishops had ruled since Edward's accession, all of them anxious to promote the independence of the Church and to diminish the power of the crown, even if it were to be done by throwing the Church more entirely

Relations of Edward with the clergy.

into the hands of the Pope. Hence it was that Archbishop Peckham in 1279 had declared himself the champion of the Great Charter, although the Great Charter was not assailed, and had in a council at Reading passed several canons which were intended to limit the king's action in ecclesiastical causes. Edward in return had taken his opportunity of repressing what seemed to him to be ecclesiastical innovation; he had interfered to prevent the publication of the canons, and had made the archbishop apologise and withdraw them. Not content with this, he took advantage of the occasion to pass the statute 'De Religiosis,' by which he prevented the clergy from acquiring more land than they held at the time, without express permission. The taxation of the clergy too was heavy; the popes were as willing to minister to Edward's needs as they had been to supply his father with money from the revenues of the English Church. More than once they had empowered him to collect a three years tenth of all the revenue of the clergy for the purpose of a crusade which was never carried out, and in 1288 Pope Nicolas IV. ordered a new and very exact valuation of all church property. This valuation included both temporal property, that is land, and spiritual, that is tithes and offerings. Such a permanent record laid them open at any moment to exaction. But Edward was not satisfied to have to ask the Pope's leave to tax his own subjects, whether clerical or lay; he had begun to assemble the clergy in councils of their own, for the purpose of obtaining money grants, and, a little later, gave them a representative constitution as an estate of parliament. They were, on the other hand, unwilling to obey the summons to attend a secular court, and to spend their money on secular purposes, much more so when it was demanded out of all proportion and without reasonable consultation. Robert Winchelsey, who be-

came archbishop in 1294, was fitted to be the leader of a strong ecclesiastical opposition. He was a pious, learned, and farseeing man, but he was fully possessed with the idea that the king was determined to subject the Church to the State; and he knew that in the Pope, Boniface VIII., he had a friend and supporter who would not desert him. He was ready to fight the battle the prospect of which was very near.

Edward regarded the situation of affairs in 1294 as entitling him to assume the office of dictator; to take all advantage the law offered him for raising men and money; but, if he saw means which the law did not warrant, to use them also as justified by the necessity of the case. So he not only assembled the barons, clergy, and commons, to obtain money grants from them, but seized the wool of the merchants and took account of the treasures of the churches. It is true that by negotiating with the merchants in assemblies of their own he obtained their consent to pay a large increase of custom on the wool, and that he did not actually confiscate the church treasure, still the measures were oppressive and alarming; and when in the autumn council of 1294 he demanded one-half of the revenue of the Church the alarm became a panic. The clergy yielded, only to find another heavy demand made on them the next year; but the king was becoming irritated by delay and the clergy emboldened by papal support. Boniface VIII., in February 1296, issued a famous Bull called, from its opening words, the Bull *Clericis Laicos*, in which he forbade the king to take or the clergy to pay taxes on their ecclesiastical revenue. Armed with this, Archbishop Winchelsey in 1297 declined to agree to a money grant, and the king replied by placing all the clergy, who would not submit, out of the protection of the law.

Quarrel between Edward and the clergy.

But by this time the spirit of the laity was roused. Gilbert of Gloucester was dead, and the heads of the baronage were Roger Bigod, Earl of Norfolk, the Marshal, and Humfrey Bohun Earl of Hereford, the Constable of England; men not of high character or of much patriotism, but of great power and spirit, and eager to take the opportunity of asserting their position, which the king's measures for enforcing equal justice had threatened to shake. Bohun, too, had been imprisoned on account of the private war which he had carried on against Gloucester in 1288. Edward's legal reforms had touched the baronage like every other class. A close inquiry into the title by which they held their estates and local jurisdictions—the commission, as it was called, of 'quo warranto'—had alarmed them in 1278; then the Earl Warenne had boldly averred that his warrant was the sword by which his lands had been won, and by which he was prepared to defend them. They found too that, although the new legislation in some respects gave them a stronger hold on their vassals, that advantage was counterbalanced by the stronger hold which the king gained by it over themselves. They did not care to have too strong a king, or one who ruled them by ministers of his own choosing. When, then, early in 1297, Edward called for the whole military force of the kingdom to go abroad, part to follow him to Flanders to support his allies, and part to go to Gascony, they determined to thwart him. It was a moot question how far they were bound to foreign service at all; the king himself seemed to be asking them for a favour rather than a right. They knew that the clergy were hostile on account of the taxes, and the merchants on account of the wool; they would make the king feel their strength. Edward himself acted unwisely; he had become exas-

Discontent of the greater barons under the growth of the royal power.

perated with the delay; he had lost his early and best counsellor, Robert Burnell, and had taken in his place Walter Langton, the treasurer, a faithful but unpopular and unscrupulous man, and he had conceived the notion, which was probably a true one, that the barons wished to embarrass him. The plea of necessity by which he tried to justify himself must also justify him with posterity.

The year 1297 saw the contest decided. In February the king had summoned the barons to meet at Salisbury.

Assembly of the barons at Salisbury.

When they were assembled the two earls refused to perform their offices as marshal and constable; the clergy were in a state of outlawry, and the king did not venture to summon the representatives of the commons. The assembly broke up in wrath. Edward again laid hands on the wool, summoned the armed force, and put in execution the sentence against the clergy; the barons assembled in arms, the bishops threatened excommunication. In spite of this, the king, in July, collected the military strength of the nation at London and tried to bring matters to a decision. As the earls would not yield he determined to submit to the demands of the clergy, and to use his influence with the commons so as to get, even informally, a vote of more money. Winchelsey saw his opportunity. If the king would confirm the charters, the Great Charter and the charter of the forests, he would do his best to obtain money from the clergy; the Pope had already declared that his prohibition did not affect voluntary grants for national defence. The chief men of the commons, who although not summoned as to parliament were present in arms, agreed to vote a tax of a fifth; and the people were moved to tears by seeing the public reconciliation of the archbishop with the king, who commended his son Edward to his care whilst he himself went to war.

Reconciliation of Edward and Archbishop Winchelsey.

But the end was not come even now. The archbishop and the earls knew how often the charters had been confirmed in vain in King Henry's days; and it was an evil omen that the king, whilst offering to confirm them, was attempting to exact money without a vote of Parliament. They drew up a series of new articles to be added to the Great Charter, and, after some difficulty, forced them upon the king just as he was preparing to embark. Edward saw that he must yield, but he left his son and his ministers to finish the negotiation. As soon as he had sailed the earls went to the Exchequer and forbade the officers of that court to collect the newly imposed tax; the young Prince Edward was urged to summon the knights of the shire to receive the copies of the charter which his father had promised, and on October 10 the charters were reissued, with an addition of seven articles, by which the king renounced the right of taxing the nation without national consent. It is true that these articles were not drawn up with such exactness as to prevent all evasion, and Edward I. and Edward III. are accused of using the obscurities of the wording to justify them in transgressing the spirit of the concession. But the confirmation of the charters, however won, was the completion of the work begun by Stephen Langton and the barons at Runnymede. It established finally the principle that for all taxation, direct and indirect, the consent of the nation must be asked, and made it clear that all transgressions of that principle, whether within the letter of the law or beyond it, were evasions of the spirit of the constitution. The seven articles were these: by the first the charters were confirmed; by the second all proceedings in contravention of them were declared null; by the third copies of them were to be sent to the cathedral churches to be

Confirmation of the charter establishing the right of the people to determine taxation.

read twice a year; and by the fourth the bishops were to excommunicate all who transgressed them. These four were the contribution of the prelates, the condition under which the clergy had been reconciled. By the fifth article the king declared that the exactions, by which the people had been agrieved, should not be regarded as giving him a customary right to take such exactions any more; by the sixth he promised that he would no more take such 'aids, tasks, and prises but by common assent of the realm'; and by the seventh he undertook not to impose on the wool of the country any such 'maletote' or heavy custom in future without their common assent and goodwill. It would have been clearer if the rights renounced had been absolutely renounced and clearly specified. The king and his servants soon learned that, without taking such taxes and maletotes as had been complained of, they could by negotiating with the merchants raise money indirectly without consulting parliament, but that excuse was never allowed by the parliament to be sufficient, and, when they could, they closed every opening for evasion. Thus was England's greatest king compelled to make to his people the greatest of all constitutional concessions, at the very moment at which by his new organisation of Parliament he had placed the nation for the first time in a position in which they could compel him to fulfil it. It was to some extent a compromise, in which both parties felt themselves justified in putting their own interpretation on the terms by which they had been reconciled, but it is not the less a landmark in the history of England, second only to Magna Carta. The *confirmatio cartarum* is the fulfilment, made now to the whole consolidated people, of the promises made in the charter to a nation just awaking to its unity and to the sense of its own just claims.

Before we turn again to the military work of the

reign, the war for the subjection of Scotland, which was one of the main causes of Edward's difficulties at this time, and which furnished him with hard work for the rest of his life, we may briefly sum up the sequel of the great constitutional crisis. Not the least of the causes that led to Edward's irritation, and provoked him to impolitic violence, was the thought that the nation did not trust him. From the beginning of the reign he had laboured indefatigably for their good; he had amended their laws, and had given them what, to all intents and purposes, was a new and free constitution. He felt that he had a right to their confidence, and a right to direct, if not also to control, the mechanism which he had created. But as yet it was only thirty years since the Battle of Evesham. Men were still alive who remembered the countless tergiversations of Henry III., and who, so warned, could scarcely help suspecting that Edward in the hour of need would repudiate his obligations, as his father had done. They did not profess to be satisfied with the act of confirmation which Edward sealed at Ghent on November 5, 1297. As soon as he returned from Flanders, in the following year, the earls insisted on a renewal of the act, and, before they would join him in the Scottish war, the king had to promise to grant it. In March 1299 the promise was fulfilled, but the confirmation was even now regarded as incomplete. The enforcement of the charter of the forests involved a new survey of the forests, and the king, when he promised that this should be done, made a distinct reservation of the rights of the crown, and of some questions which had just been referred to the court of Rome. The reservation appeared to the people to be an evident token of insincerity; and to calm the excitement Edward, two months afterwards, executed an unconditional confirma-

Dissatisfaction of Edward with his subjects.

Re-confirmation of the Charters.

tion. Still, however, it was declared that the forest reforms were intentionally delayed; and in a full parliament, held at London in March 1300, the confirmation was repeated, additional articles being embodied in an important act called 'The articles upon the charters.' In consequence of these the survey of the forests was made and the report of the survey presented to a parliament held at Lincoln in January 1301, at which all the old animosities threatened to revive, and the barons, backed by the commons, and with Archbishop Winchelsey at their head, subjected the king to a pressure which he felt most bitterly and never forgave.

Again he was in grievous want of money. The Pope had claimed the overlordship of Scotland, and it was of the utmost importance that he should receive a united and unhesitating answer from the assembled nation. In spite of all the concessions that Edward had made so reluctantly, showing by his very reluctance that he intended to keep them, a new list of articles was presented as conditions on which money would be granted. Nay, even if the king agreed to the articles, the Archbishop, on the part of the clergy, would consent to no grant that the Pope had not sanctioned. Again Edward yielded, although he refused to admit the article in which the Pope's consent was mentioned. It was by thus yielding probably that he obtained from the whole assembled baronage a distinct denial of the Papal claims over Scotland. But the prelates and clergy did not join in the letter addressed in consequence to the Pope; and Edward, putting the two things together, chose to regard the archbishop as a traitor in intention if not in act. The knight who had presented to him the articles at Lincoln was sent for a short time to prison, as a concession per-

Papal claims over Scotland.

Quarrel of Edward with Archbishop Winchelsey.

haps to Walter Langton, whose dismissal had been asked for. Winchelsey's punishment was delayed as long as Pope Boniface lived; but, when Clement V. in 1305 succeeded him, the Archbishop was formally accused, summoned to Rome, and suspended, nor was he allowed to return to England during the remainder of the reign. This quarrel is a sad comment on the conduct of two great men, both of whom had at heart the welfare of England; but if the balance must be struck between them it inclines in favour of Edward. He may have been somewhat vindictive, but his adversary had taken cruel advantage of his needs, had credited him with unworthy motives, and with a guile of which he knew himself to be innocent; and the archbishop had, in order to humiliate him, laid him open to the most arrogant assumptions on the part of the Pope. Winchelsey wished to be a second Langton; Edward was not, and was incapable of becoming, a second John.

The Parliament of Lincoln closes the constitutional drama of the reign; but two or three minor points in connexion with what has gone before may be mentioned here. In 1303 and 1304 Edward was again in great straits for money, and he did not wish to be again subjected to the treatment which he had endured at Lincoln. In searching for the means of raising a revenue he recurred to the same source from which he had obtained the custom of wool at the beginning of his reign, the assistance of the merchants. He called together the foreign merchants in 1303 and offered them certain privileges of trading, on the condition that they should consent to pay import duties. They agreed; and, although an assembly of English representatives from the mercantile towns refused to join in the arrangement, the institution held good. The 'New Custom,' the

Edward and the foreign merchants.

The New Custom.

origin of our import duties, was established without the consent of parliament, although not in direct contravention of the Act of 1297, for it was a special agreement made with the consent of the payers and in consideration of immunities received. In 1304 he adopted an expedient even more hazardous, and collected a tallage from the royal demesne; yet even here he avoided breaking the letter of his promise. Such tallage was not expressly renounced in 1297, and it was now sanctioned by the consent of the baronage, who raised money from their vassals in the same way. In 1305 he did a still more imprudent and dangerous act, in obtaining from Clement V. a formal absolution from the engagements taken in 1297. Except in a slight modification of the forest regulations, which was perhaps made rather as a demonstration of his power than as a real readjustment of the law, he took no advantage of this absolution. These three facts, however, remain on record as illustrations of Edward's chief weakness, the legal captiousness, which was the one drawback on his greatness. The last was too grievously justified by the morality of the time, and proves that in one respect at least Edward was not before other men of the age.

We turn now to trace the course of events which had so powerfully affected the king's action during these critical years. We saw him in 1294 preparing for an expedition to France, which was delayed until 1297 by troubles in Wales and Scotland, and by the political crisis on which we have dwelt so long. The Welsh revolt under Madoc, a kinsman of the last princes, involved an expedition which Edward himself in the winter of 1294 led into Wales. It was an unseasonable undertaking, and attended with no great success. Madoc was, however, taken prisoner in 1295, and the rebellion came to an end. The Scot-

Rebellion in Wales under Madoc.

tish troubles were more general and lasted much longer.

John Balliol had from the beginning of his reign felt himself in a false position, distracted between his duties to Edward as his suzerain and patron, and his duties to his subjects. By a curious coincidence Edward had summoned him to appear as a vassal in his court to answer the complaints of the Earl of Fife, in the very year that he himself was summoned to appear at Paris to answer the complaints of the Normans. The neglect and contempt with which Balliol was treated may have embittered his feelings towards Edward, yet in 1294 he had been the foremost of the barons in offering help against France. But it is clear that he was not a man of strong will or decided views; that he could not easily bring himself to break with Edward, and so throw himself on the support of the Scottish baronage, and that even Edward's support did not make him strong enough to defy them. He halted between the two and lost his hold on both. In 1295 the Scottish lords determined, in imitation of the French court, to institute a body of twelve peers who were practically to control the action of Balliol, and opened negotiations for an alliance with France. Such an alliance was then a new thing, but in its consequences it was one of the most important influences of mediæval history, for it not only turned the progress of Scottish civilisation and politics into a French channel, leading the Scots to imitate French institutions, as they had hitherto copied those of England, but gave to the French a most effective assistance in every quarrel with England, down to the seventeenth century. As soon as Edward learned that such a negotiation was in progress he demanded that, until peace should be made between Philip and himself, the border castles of Scotland should be

Summons of Edward to Balliol.

Alliance of Scotland with France.

placed in his hands. This was at once refused, and war broke out. In March 1296 Edward took and sacked Berwick, and the Scots threatened Carlisle. The unfortunate Balliol seeing himself at last compelled to choose between the two evils, renounced his allegiance to Edward and almost immediately paid the penalty of his temerity. The Earl Warenne won a great victory at Dunbar in April, and took Edinburgh; Balliol surrendered in July, and was obliged to resign the crown to his conqueror. The Scottish regalia were carried to England. The coronation-stone, which tradition identified with the stone on which the patriarch Jacob had rested his head at Bethel, was removed from Scone to Westminster. The chief nobles of Scotland were led away as hostages, and Scotland, if not subdued, was so far cowed into silence that during 1297 Edward thought it safe to leave it under the government of the Earl Warenne. Sir William Wallace, the somewhat obscure and mythical hero of Scottish liberation, remained, however, in arms against him, and he in September defeated the Earl Warenne at Cambuskenneth, and drove the English out of the country. Edward's expedition to France, so long delayed, terminated in March 1298 in a truce of two years, which was renewed in 1299 and turned into a peace in 1303. As a pledge of the arrangement Edward married Margaret, the sister of Philip, in 1299. The Scots thus lost at first the active help of their new ally. Immediately on his return Edward resumed the attack upon them, and the victory won at Falkirk in July 1298 proved his continued superiority, while it served to stimulate the national aspirations of the Scots and, what was even more important, taught them that, if they were still to be free, they must learn to act as a united people.

Scottish war.

Surrender of Balliol to Edward.

Truce between England and Scotland.

Wallace's victory at Cambuskenneth had earned for

him the jealousy instead of the confidence of the Scottish nobles; the defeat at Falkirk was made an excuse for declining his leadership and clinging to the shadowy royalty of the imprisoned Balliol. They chose a council of regency to govern Scotland in his name. Three regents were elected; the bishop of St. Andrew's was one; the other two were John Comyn, lord of Badenoch, and Robert Bruce, Earl of Carrick; sons of two of the lords who had competed for the crown when Balliol was chosen. Wallace was not even named. Some small successes now fell to the Scots: in 1299 they compelled the English garrison in Stirling Castle to capitulate; in 1300 they foiled the invading army by avoiding a pitched battle, and, at the close of the campaign, obtained by the mediation of the French a truce which lasted till the summer of 1301. It was just then that Boniface VIII. had laid claim to the suzerainty of Scotland, and Edward's time was spent during the truce in obtaining from his barons a unanimous declaration against that claim. This, as we saw, was done in the parliament of Lincoln. Although the papal argument was one to which Edward could not refuse to listen, Boniface's influence with Archbishop Winchelsey gave him more trouble than the illusory claim.

Affairs in Scotland after the fall of Balliol.

The Scottish campaign of 1301 was a repetition of that of the preceding year; Edward spent the winter in the country and built a castle at Linlithgow; and another truce was made, which lasted to the winter of 1302.

The conclusion of peace with France in 1303 left Edward free to direct all his strength against Scotland; and the Scots, under Comyn as regent, were now in better condition to resist. They had defeated the English army under Sir John Segrave in February, and were preparing for greater exertions, when the news arrived that not only the Pope

Campaign of Edward in Scotland.

but the French had deserted them. No provision in their favour was contained in the treaty of peace; and Edward was already in the country in full force. The year 1303 appeared to be a fatal year to the hopes of Scotland. Edward marched the whole length of the country as far north as the Moray Frith, and within sight of Caithness. Stirling alone of all the castles of the land was left in the possession of the native people, and after a futile attempt under the walls of Stirling to intercept the invader, they seem to have given up all idea of resistance. The so-called governors of the Scots surrendered and submitted on condition of having their lives, liberties, and estates secured; a few patriotic men were excepted from the benefit of the act, the chief of whom was Wallace, against whom as the leading spirit of liberty Edward's indignation burned most hotly, and whom the selfish and jealous lords cared least to protect. Stirling, after a brave resistance, surrendered in July and Scotland seemed to be at last subdued. The hero Wallace, taken by treachery in 1305, was sent to London to be tried and put to death as a traitor. The execution of this sentence is one of the greatest blots upon Edward's character as a high-minded prince. Only the profound conviction that his own claims over Scotland were indisputably legal and that all the misery and bloodshed which had followed the renewal of the war must justly be charged upon Wallace—a conviction akin in origin to the other mistakes which we have traced in Edward's great career—can have overcome the feeling of admiration and sympathy which he must have felt for so brave a man.

Capture and execution of Wallace.

Wallace perished in 1305. In the same year Edward drew up a new constitution for Scotland, dividing the country into sheriffdoms like the English counties and providing machinery for the representation of the Scots

at the meetings of the English parliament. But the arrangement was very shortlived. Scarcely four months had elapsed when the new and more successful hero of Scottish history, Robert Bruce, declared himself. He was the son of the regent Earl of Carrick, but had hitherto clung to the English interest, in the hope that Edward would at last set him in the place of Balliol. When the new measures for the government of Scotland were drawn up, disappointment, mingled perhaps with the shame which Wallace's death must have inspired, led him to quit the court and return to Scotland. At Dumfries, early in 1306, he slew John Comyn, the late regent, whom he could not induce to join him. He then gathered round him all whom he could prevail on to trust him; and by his energy and military ability took all his enemies by surprise. In March he was crowned at Scone.

Edward's new constitution for Scotland.

Return of Robert Bruce to Scotland.

His success was too great to be permanent; before the close of the summer Aymer de Valence, Edward's lieutenant, had driven him into the islands, and the king himself soon followed and put an end to all collective opposition. Still Bruce was active, and defied all attempts to crush him. Constantly put to flight and as constantly reappearing, he kept the English armies on the alert during the winter of 1306 and the spring of 1307; and in July, on his last march from Carlisle against him, king Edward died.

Reverses of Bruce.

Edward had just passed into his sixty-ninth year. He was older than any king who reigned in England before him, nor did any of his successors until Elizabeth attain the same length of years. His life had been one, in its earlier and later portions, of great exertion, both bodily and mental; and constant labour and irritation had made him during his latter years

Death of Edward I.

somewhat harsh and austere. His son Edward gave no hopes of a happy or useful reign; he had already chosen his friends in defiance of his father's wishes, and had been rebuked by the king himself for misconduct towards his ministers. Edward had outlived, too, most of his early companions in arms; he saw a generation springing up who had not passed through the training which he and they had had, and who were more luxurious and extravagant, less polished and refined than the men of his youth. An earnestly religious man, he had been unable to keep on good terms with the great scholar and divine who filled the see of Canterbury, or even with the Pope himself. The people for whom he had laboured and cared were scarcely as yet able to understand how much they had gained by his toil; how even in his foreign undertakings he was fighting the battles of England and earning for them and for their posterity a place which should never again be lost in the councils of Europe. But though his bodily strength was gone his mental vigour was not abated, nor his belief in the justice of his cause. When he made his solemn vow, at the knighting of Prince Edward in 1306, to avenge the murder of Comyn and punish the broken faith of the Scots, he looked on them not as a noble nation fighting for liberty, but as a perjured and rebellious company of outlaws, whom it would be a shame to him as a king and as a knight not to punish. The sin of breaking faith, the crime which his early lessons had taught him to think the greatest which could be committed by a king, the temptation to which he believed himself to have overcome, and which he even inculcated on posterity by the motto 'Pactum serva' on his tomb,—in his eyes justified all the cruelty and oppression which marked his treatment of the Scots. Cruel it was, whatever allowances are to be made for the exaggeration of

His character and motives.

contemporary writers or for the savageness of contemporary warfare. Yet it was not the bitter cruelty of the tyrant directed against the liberty of a free nation.

Edward's death took place at Burgh-on-the-Sands, in Cumberland, on the 7th of July, 1307. His character we have tried to draw in tracing the history of his acts. His work remains in the history of the country and the people whom he loved.

CHAPTER XII.

EDWARD II.

Character of Edward II.—Piers Gaveston—The Ordinances—Thomas of Lancaster—The Despensers—The king's ruin and death.

IT is not often that a strong son succeeds a strong father, and where that is the case the result is not always salutary. If Edward I. had left a son like himself, a new fabric of despotism might have been raised on the foundation of strong government which he had laid. Sometimes such alternations have worked well; a weak administration following on a strong one has enabled the nation to advance all the more firmly and strongly for the discipline to which it has been subjected; and a strong reign following a weak one has taught them how to obtain from the strong successor the consolidation of reforms won from the weakness of the predecessor. But more commonly the result has been a simple reaction, and the weak son has had to bear the consequences of his father's exercise of power, the strong son has had to repair the mischief caused by his father's weakness. The case of Edward II., however, does not come exactly under either generalisation. It was no mere reaction that caused hi

Reactionary policy of Edward II.

reign to stand in so strong contrast to his father's. Instead of following out his father's plans he reversed them; and his fate was the penalty exacted by hatreds which he had drawn upon himself, not the result of a reaction upon a policy which he had inherited. He cast away at the beginning of the reign his father's friends, and he made himself enemies where he ought to have looked for friends, in his own household and within the narrowest circle of home.

Edward II. was the fourth son of Edward I. and Eleanor. John, their eldest boy, had died in 1272; Henry, the next, died in 1274; Alfonso, the third, lived to be twelve years old, and died in 1285. Edward was born in 1284, at Carnarvon, became heir-apparent on his brother's death, and in 1301 was made Earl of Chester and Prince of Wales. Losing his mother in 1290, he was deprived of the early teaching which might have changed his whole history. His father, although he showed his characteristic care in directing the management of his son's household, in choosing his companions, and rebuking his faults, was far too busy to devote to him the personal supervision which would have trained him for government and secured his affections. He grew up to dread rather than to love him, hating his father's ministers as spies and checks upon his pleasures, and spending his time in amusements unbecoming a prince and a knight. His most intimate friend, Piers Gaveston, the son of an old Gascon servant of his father, had been assigned him by the king as his companion, and had gained a complete mastery over him. Gaveston was an accomplished knight, brave, ambitious, insolent and avaricious, like the foreign favourites of Henry III. Edward, although a handsome, strong lad, did not care to practise feats of arms or to follow the pursuits of

Personal tastes and favourites of Edward II.

Piers Gaveston.

war. He was fond of hunting and country life, averse to public labour, but splendid to extravagance in matters of feasting and tournament. He was indolent, careless about making new friends or enemies; the only strong feeling which marked him was his obstinate championship of the men whom he believed to be attached to himself. Edward was not a vicious man, but he was very foolish, idle, and obstinate, and there was nothing about him that served to counterbalance these faults or invite sympathy with him in his misfortunes. Edward I. some months before his death had found out this to his sorrow. He saw in the influence that Gaveston had won a sign that the scenes were to be repeated which, as he so well remembered, had marked the stormy period of his own youth. He had banished Gaveston from court and made him swear not to return without his leave. No sooner was he dead than the favourite was recalled, and by his return began that series of miseries which overwhelmed himself first, and then his master, and the consequences of which ran on in long succession until the great house of Plantagenet came to an end.

Edward was absent when his father died, but within a few days he had rejoined the army, was received as king, without waiting for coronation, by the English and Scottish lords, and proclaimed his royal peace. One of his father's last injunctions, that he should promptly and persistently follow up the war, was set aside from the first; Aymer de Valence was made commander and governor of Scotland, and the king himself moved southwards. Another of his father's commands was set at nought directly after: Gaveston was recalled and raised to the earldom of Cornwall. Walter Langton, the late king's treasurer and chief minister, was removed from office and imprisoned, and the chancellor also was displaced. Edward I. was not yet

Peace with Scotland.

buried, and his son's first parliament, called at Northampton, in October 1307, was asked to provide money for the expenses of the funeral and the coronation; for already it was said the favourite had got hold of the treasure and was sending it to his foreign kinsfolk. But the jealous nobles were not inclined to hurry matters as yet; the parliament granted money; Edward I. was solemnly buried; and orders were given to prepare for the coronation in February 1308.

Marriage of the king with Isabella of France.

The young king had been betrothed to Isabella of France, the daughter of Philip the Fair. He wished that his young bride should be crowned with him, and so crossed over to Boulogne to marry her. The indignation of the lords and of the country at the recall and promotion of Gaveston was fanned into a flame by the announcement that, as it was necessary to appoint a regent during the king's short absence, the Earl of Cornwall with full and even peculiar powers was appointed to the place. It became clear that the coronation could scarcely take place without an uproar.

The Coronation.

Nor was the question of coronation itself without some difficulties; for Archbishop Winchelsey, although invited by the new king, had not yet returned from banishment, and it was by no means safe for any other prelate to act in his stead. After a little delay Winchelsey consented to empower a substitute; and Edward II. and Isabella were crowned on the 25th of February by the Bishop of Winchester. The form of the coronation oath taken on this occasion, perhaps for the first time in this shape, is worth careful remark. In it the king promises to maintain the ancient laws, to keep the peace of God and the people, and to do right judgment and justice. So much was found in the older formula; but another question was put: 'Will

The coronation oath.

you consent to hold and keep the laws and righteous customs which the community of your realm shall have chosen, and will you defend them and strengthen them to the honour of God, to the utmost of your power?' If, as is supposed, these words were new, they seemed to contain a recognition of the fact that the community of the realm had now entered into their place as entitled to control by counsel and consent the legislative action and policy of the king. And so construed they form a valuable comment on the results of the last reign, which had seen the community organised in a perfect parliament and admitted to a share of the responsibilities of government. The lords heard them with interest; even if they had been used at the coronation of Edward I. few were old enough to remember them. They saw in them either an earnest of good government or a lever by which they themselves could remedy the evils of misgovernment, and they proceeded to try the maiden weapon against the favourite whom they now hated as well as feared.

Gaveston had at first tried to propitiate the more powerful lords of the court, especially Earl Thomas of Lancaster and Henry de Lacy, Earl of Lincoln. The latter was an old and trusted servant of Edward I. Thomas of Lancaster was the son of Earl Edmund of Lancaster, the younger son of Henry III., who had been titular King of Sicily; his mother was Blanche, the Queen Dowager of Navarre, whose daughter by her first husband had married Philip the Fair. He was thus cousin to the king and uncle to the queen; he possessed the great estates with which his grandfather and uncle had founded the Lancaster earldom; he was Earl of Leicester and Derby also, and had thus succeeded to the support of those vassals of the Montforts and the Ferrers who had sustained them in their struggle against the crown; and he was the son-in-

Thomas Earl of Lancaster.

law and heir of Henry de Lacy. Distantly following out the policy of Earl Simon, he had set himself up as a friend of the clergy and of the liberties of the people. Personally he was a haughty, vicious, and selfish man, whom the mistakes and follies of Edward II. raised into the fame of a popular champion, and whom his bitter sufferings and cruel death promoted to the rank of a martyr and a saint. But he was not a man of high principle or great capacity, as the result proved.

Gaveston and the Earls.

No sooner had Gaveston made good his position than by his wanton insolence he incurred the hatred of Earl Thomas, and by the same folly provoked the animosity of the Earl of Pembroke, the king's cousin, of the Earl of Hereford, his brother-in-law, and of the strong and unscrupulous Earl of Warwick, Guy Beauchamp. Some of them he had defeated in a tournament; nicknames he bestowed on all. One good friend Edward had tried to secure him; he had married him to a sister of Earl Gilbert of Gloucester, the king's nephew and their common playfellow; but even Earl Gilbert only cared sufficiently for him to try to mediate in his favour; he would not openly take his side. The storm rose steadily. Shortly after the coronation a great council was held in which his promotion was the chief topic of debate, and on the 18th of May he was banished.

Banishment of Gaveston.

Edward tried to lighten the blow by appointing him lieutenant of Ireland, and besought the interposition of the King of France and the Pope in his favour. All the business of the kingdom was delayed by the hostility of the king and the great lords. Money was wanted, and could be got only through the Italian bankers, whom the people looked on as extortioners. The divided Scots were left to fight their own battles. Such a state of things could not last long. Edward had to

Schism between the king and the lords.

meet his parliament in April 1309. He wanted money, the country wanted reform, but the king desired the return of Gaveston even more than money, and the nation dreaded it more than they desired reform. When the estates met they presented to Edward a schedule of eleven articles: if these were granted they would grant money. The articles concerned several important matters; the exaction of corn and other provisions by the king's agents under the name of purveyance, the maladministration of justice and usurped jurisdictions; but the most important was one touching the imposts on wine, wool, and other merchandise which had been instituted by Edward I. in 1303, after consultation with the merchants. Edward, however, thought little of the bearing of the request; he proposed to agree to it if he might recall Gaveston. The parliament refused to listen to him, and he adjourned the discussion until July. Then in a session of the baronage at Stamford he yielded the points in question, and received the promised subsidy. But he had already recalled Gaveston and by one means or another had obtained the tacit consent of all the great lords except the Earl of Warwick. Scarcely two months had elapsed when the storm rose again. The king summoned the earls to council. The Earl of Lancaster refused to meet the Earl of Cornwall. Gradually the parties were re-formed as before, and the quarrel assumed larger dimensions. Gaveston was still the great offence, but the plan now broached by the lords extended to the whole administrative work of the kingdom.

Recall of Gaveston.

At the parliament which met in March 1310 a new scheme of reform was promulgated, which was framed on the model of that of 1258 and the Provisions of Oxford. It was determined that the task of regulating the affairs of the realm and of the king's household should be committed to an elected body of

Parliament of 1310.

twenty-one members, or Ordainers, the chief of whom was Archbishop Winchelsey. Both parties were represented, the royal party by the earls of Gloucester, Pembroke, and Richmond, the opposition by the Earls of Lincoln, Lancaster, Hereford, Warwick, and Arundel. But the preponderance both in number and influence was against Gaveston. They were empowered to remain in office until Michaelmas 1311, and to make ordinances for the good of the realm agreeable to the tenor of the king's coronation oath. The whole administration of the kingdom thus passed into their hands; and Edward, seeing himself superseded, joined the army now engaged in war with Scotland, and in company with Gaveston continued on the border until the Ordainers were ready to report. During this time the Earl of Lincoln, who had been left as regent, died, and the Earl of Gloucester took his place. The Ordainers immediately on their appointment issued six articles directing the observance of the charters, the careful collection of the customs, and the arrest of the foreign merchants; but the great body of the ordinances was reserved for the parliament which met in August 1311.

The Ordinances of 1311.

The famous document or statute known as the Ordinances of 1311 contained forty-one clauses, all aimed at existing abuses. Some of these abuses were old long-standing evils, such as the miscarriage and delay of justice, the misconduct of officials, and the maladministration and misapplication of royal property. Others were founded on the policy of the late reign, which Edward's ministers had perverted and abused; the Ordainers had no hesitation in declaring the customs duties established by Edward I. to be illegal and contrary to the charter. But two classes of enactments are of more special interest. Four whole clauses were devoted to the punishment of the favourite and of those courtiers who had cast in their lot with him.

Gaveston had stolen the king's heart from his people, and led him into every sort of tyranny and dishonesty; the Lord Henry de Beaumont, to whom Edward had given the Isle of Man, and the lady de Vescy, his sister, were little better; the Friscobaldi, the Italian bankers who received the customs, were the enemies of the people and mere instruments of oppression. Gaveston was to be banished for life, Beaumont to be expelled from the council, and the Friscobaldi to be sent home. Not content with this, the Ordainers further enacted some very important limitations on the king's power. All the great officers of state were to be appointed with the counsel and consent of the baronage, and to be sworn in parliament; the king was not to go to war or to quit the kingdom without the consent of the barons in parliament; parliaments were to be called every year, and the king's servants were to be brought to justice. The articles thus seem to sum up not only the old and new grievances, but the ideas of government entertained by the Ordainers: they are to punish the favourite, to remedy the points in which the charter has failed, and to restrain the power of the king. But the power is only transferred from the king to the barons. There is no provision analogous to the principle laid down by Edward I., that the whole nation shall join in the tasks and responsibilities of national action. The baronage, not the three estates in parliament, are to admonish, to restrain, to compel the king.

Control of the king by the barons.

Edward, after such a struggle as he could make to save Gaveston—a matter which was to him far more important than any of the legal questions involved in the Ordinances—consented that they should become law, intending perhaps to obtain absolution when it was needed, or to allege that his consent was given under compulsion. He went back

The struggle of the king in favour of Gaveston.

into the North, was rejoined by Gaveston, and after some short consideration annulled the ordinances which were made against him. The barons immediately on hearing of this prepared to enforce the law in arms. Winchelsey excommunicated the favourite; the king left no means untried to save him. After a narrow escape at Newcastle, where he lost his baggage and the vast collection of jewels which he had accumulated, many of them belonging to the hereditary hoard of the crown, Gaveston was besieged in Scarborough Castle. In May 1312 he surrendered, and was conducted by the Earl of Pembroke into the South, to await his sentence in parliament. His enemies, however, were too impatient to wait for justice. The Earl of Warwick carried him off whilst Pembroke was off his guard, and he was beheaded in the presence of the Earl of Lancaster. It is more easy to account for than to justify the hatred which the earls felt towards Gaveston. His conduct had been offensive, his influence was no doubt dangerous, but the actual mischief done by him had been small; neither he nor Edward had exercised power with sufficient freedom as yet to merit such a punishment, and no policy of mere caution or apprehension could excuse the cruelty of the act. It was a piece of vile personal revenge, for insults which any really great man would have scorned to avenge.

Death of Gaveston.

From the time of Gaveston's death the unhappy king remained for some years the sport or tool of contending parties. He was indeed incompetent to reign alone, or to choose ministers who could rule in his name. The Earl of Pembroke, Aymer de Valence, the son of that William of Lusignan, Henry III.'s half-brother, who was banished in 1258, first attempted to take the reins. Walter Langton had made his peace and become treasurer

Changes in the administration.

again; and on the death of Archbishop Winchelsey, in 1313, Walter Reynolds, the king's old tutor and present chancellor, became primate. But these were not men to withstand the great weight of the opposition. Thomas of Lancaster, who on the death of Henry de Lacy had added the earldoms of Lincoln and Salisbury to the three which he already held, treated on equal terms with the king as a belligerent. The mediation of the clergy brought the two together at the close of 1312, and in the autumn of 1313 a general pacification was brought about, followed by an amnesty and a liberal supply of money in Parliament. The Ordinances were recognised as the law of the land; the birth of an heir to the crown was hailed as a good omen, and better hopes were entertained for the future. The war with Scotland was to be resumed, and with secure peace order in the government must follow.

The Scots had been indeed left alone too long. Short truces, desultory warfare, the defeat of any spasmodic effort on the part of the English by a determined policy on the Scottish side of evading battle, had resulted in a great increase of strength in the hands of Robert Bruce. He had taken advantage of the domestic troubles of England to recover one by one the strongholds of his kingdom. It was believed that he had intrigued both with Gaveston and with Lancaster. The Castle of Linlithgow came into his hands in 1311, Perth in 1312, Roxburgh and Edinburgh in 1313. Stirling, almost the only fortress left in the hands of the English, was besieged, and had promised to surrender if not relieved before midsummer 1314. Edward prepared to take the command of his forces and to raise the siege. But it was no part of Lancaster's policy to support him. Taking advantage of the article of the Ordinances which forbade the king to go to war without

Successes of Robert Bruce in Scotland.

the consent of the baronage in Parliament, he declined to obey the summons to war until Parliament had spoken. Edward protested that there was no time; Lancaster and his confederate earls stood aloof. The King and Pembroke, with such of the barons as they could influence, and a great host of English warriors, who had no confidence in their commander, met the Scots at Bannockburn on the 24th of June, and were shamefully defeated. Edward lost all control over the country in consequence. The young Earl of Gloucester, whose adhesion had been a tower of strength to him, fell in the battle; the Earl of Pembroke, who had fled with him, shared the contempt into which he fell. Lancaster was practically supreme; he and his fellows, the survivors of the Ordainers, appointed and displaced ministers, put the king on an allowance, and removed his personal friends and attendants as they chose. In 1316 Lancaster was chosen official president of the royal council; he was already commander-in-chief of the army. He now sought the support of the clergy, forced the king to order the execution of the Ordinances, and conducted himself as an irresponsible ruler. But he had not a capacity equal to his ambition, and his greed of power served to expose his real weakness. He acted as a clog upon all national action; he would not act with the king, for he hated him; he dared not act without him, lest his own failure should give his rivals the chance of overthrowing him. The country, notwithstanding his personal popularity, was miserable under him. The Scots plundered and ravaged as they chose. He would not engage in war. He would not attend parliament or council. The court became filled with intrigue. The barons split up into parties; Edward, rejoicing in the removal of control, launched into extravagant expenditure, and began to form a

Battle of Bannockburn.

Despotism of Lancaster.

new party of his own. With general anarchy it is no wonder that private war broke out, or that private war assumed the dimensions of public war. The Countess of Lancaster was carried off from her husband; the Earl of Warenne was accused and the king was suspected of conniving at the elopement. The earls went to war. Edward forbade Lancaster to stir, and Lancaster of course disobeyed the order. In the midst of all this Robert Bruce, in April 1318, took Berwick.

War of the Earls.

There were now three parties in the kingdom. Lancaster had lost ground, but the king had gained none. The Earl of Pembroke had been gradually alienated, and now aimed at acquiring power for himself. The death of the Earl of Gloucester had left his earldom to be divided between the husbands of his three sisters, Hugh le Despenser, Roger d'Amory, and Hugh of Audley. The division of the great estates was in itself sufficient to create a new division of parties. D'Amory and Pembroke framed a league for gaining influence over the king in conjunction with Sir Bartholomew Badlesmere, a bitter enemy of Lancaster. Hugh le Despenser, the father of the one just mentioned, took on himself to reform the king's personal party, and was aided by the few barons and bishops whom Edward had been strong enough to promote. The capture of Berwick had one salutary effect: it stopped the private war, and shamed the three parties into a compromise; but the compromise was itself a proof of common weakness. It was concluded in August 1318, between Lancaster alone on his own part, and ten bishops and fourteen temporal lords as sureties for the king. It provided a new form of council—eight bishops, four earls, and four barons; one other member was to be nominated by Lancaster, who did not deign to accept a

Conflict of parties.

Effects of the loss of Berwick.

seat. But this constitution had no more permanence than the former. The official preponderance was maintained by Pembroke and Badlesmere, and they could do nothing whilst the Earl of Lancaster continued to stand aloof. Edward in 1319 made a vain attempt to recover Berwick, but only gave the Scots an opportunity of invading Yorkshire, and matters grew worse and worse. Men could not help seeing that even Edward himself could not mismanage matters more than they were being now mismanaged, and that, whether incapable or no, he had never yet had a chance of showing what capacity he had.

New favourites of the king.

The fate of Gaveston might have warned any who counted on acquiring power by Edward's favour; and in fact for several years he remained unburdened and uncomforted by a confidential servant. But the waning popularity of Lancaster seemed now to render the position of the king's friend less hazardous, and an aspirant was found in the younger Hugh le Despenser. He was the grandson of that Hugh le Despenser, the justiciar of the baronial government, who had fallen with Simon de Montfort at Evesham. His father, now the elder Hugh, had been a courtier and minister of Edward I., and had been throughout the early troubles of the reign faithful to Edward II., but he was regarded as a deserter by the barons and had a bitter personal enemy in the Earl of Lancaster. Father and son were alike ambitious and greedy; they showed little regard for either the person or the reputation of their master, and sacrificed his interest whenever it came in competition with their own. The younger Hugh, like Piers Gaveston, was married to one of the heiresses of Gloucester, and had been appointed in 1318 chamberlain to the king under the government of compromise. Edward in his weakness and isolation clung tenaciously to these men; they had inherited some

The Despensers.

of the political ideas of the barons of 1258, and had perhaps an indistinct notion of overthrowing the influence of Lancaster by an alliance with the commons. The younger Hugh, at all events, from time to time uttered sentiments concerning the position of the king which were inconsistent with the theory of absolute royalty; he had said that the allegiance sworn to the king was due to the crown rather than to the person of the sovereign, and that if the king inclined to do wrong it was the duty of the liegeman to compel him to do right. Another part of the programme of the Despensers involved a more distinct recognition of the right of parliament than had ever been put forth by Lancaster, and it would seem probable that they hoped by maintaining the theory of national action, as stated by Edward I., to strengthen their master's position, and through it to strengthen their own. So low, however, was the political morality of the time, that the same selfish objects were hidden under widely different professions. The Despensers had sadly miscalculated the force of the old prejudice against court favourites, and did not see how every step in advance made them new enemies. The Earl of Lancaster saw in their unpopularity a chance of recovering his place as a national champion, and a quarrel among the coheirs of Gloucester gave the opportunity for an outcry. Hugh of Audley, who had married Piers Gaveston's widow, and who was therefore a rival and brother-in-law of Hugh le Despenser, showed some signs of contumacious conduct in the marches. The Earl of Hereford and Roger Mortimer, the Lord of Wigmore, declined to join in the measures necessary to reduce him to order, and refused to meet the Despensers in council; and in a parliament which the king called to meet on the 15th of July, 1321, the whole baronage turned against the favourites. Their attempts to influence the king, the

greedy use of the king's name for their own purposes, the rash words of the younger Hugh, the vast acquisitions of his father, their unauthorised interference in the administration of government, and their perversion of justice were alleged as demanding condign punishment.

The Earl of Hereford, Edward's brother-in-law, made the charge before the three estates, and the lords, 'peers of the land,' as they now perhaps for the first time called themselves, passed the sentence of forfeiture and exile on the two. They were not to be recalled except by consent of parliament, and a separate act was passed to ensure the immunity of the prosecutors and the pardon of those who had taken up arms to overthrow them. This was Lancaster's last triumph, and it was very shortlived. In the month of October the Lady Badlesmere shut the gates of Leeds Castle against the queen, and Edward raised a force to avenge the insult offered to his wife. All the earls of his party joined him, and the Earl of Lancaster, who hated Badlesmere for his old rivalry, did not interfere to protect him. Finding himself for the first time at the head of a sufficient force, the king determined to enforce order in the marches and to avenge his friends the Despensers. He marched against the border castles of the Earl of Hereford, Audley, and D'Amory. On receiving news of this Lancaster at once discovered his mistake, and called a meeting of his party—the good lords, as they were called—at Doncaster. Both parties showed great energy, but the king had got the start. He obtained from the convocation of the clergy of Canterbury, under the influence of the archbishop, his old tutor, a declaration that the sentence against the Despensers was illegal, and lost no time in forcing his way towards Hereford to punish the earl who had procured On his way he defeated the Mortimers. He took

Sentence against the Despensers.

War between the king and the barons.

Hereford; and having reached Gloucester in triumph, on the 11th of February, recalled his friends to his side. Lancaster and his party were not idle, but they underrated the importance of the crisis and divided their forces. One part was sent to secure the king's castle of Tickhill, the other, under Lancaster himself, moved slowly towards the south. Edward, in the hope of intercepting the latter division, moved northwards from Cirencester, and the earl, when he reached Burton-on-Trent, did not venture any farther. On the news of his flight his castles of Kenilworth and Tutbury surrendered, and Edward started in pursuit. The unfortunate earl had reached Boroughbridge on his way to his castle of Dunstanburgh, with his enemies close behind him, when he learned that his way was blocked by Sir Andrew Harclay, the governor of Carlisle, who was coming to meet the king. A battle ensued, in which the Earl of Hereford was slain, the forces of Lancaster were defeated, and the earl himself forced to surrender. He was taken on the 17th of March, and on the 22nd was tried by the king's judges, in the presence of the hostile earls, in his own castle of Pomfret. He was condemned as a traitor. Evidence of his intrigues with the Scots was adduced to give colour to the sentence, and he was beheaded at once. So the blood of Gaveston was avenged, and the tide of savage cruelty began to flow in a broader stream, to be avenged, like Lamech, seventy and sevenfold. At once the people, hating the Despensers and misdoubting Edward, declared that the martyr of Pomfret was worthy of canonisation: miracles were wrought at his tomb; it was a task worthy of heroes and patriots to avenge his death. His name became a watchword of liberty; the influence which he had labour-

Battle of Boroughbridge.

Execution of Lancaster.

Ulterior consequences of the execution.

to build up became a rival interest to that of the crown. First, Edward II. and the Despensers fell before it; then, in the person of Henry IV., the heir of Lancaster swept from the throne the heir of Edward's unhappy traditions. In the next century the internecine struggle of the Roses wore out the force of the impulse, and yet enough was left to stain from time to time the scaffolds of the Tudors, long after the last male heir of the Plantagenets had perished.

Some few of the other hostile barons perished in the first flush of the triumph; Badlesmere, in particular, was taken and hanged. Roger D'Amory was dead. The Audleys were spared. About thirty were put to death; many were imprisoned; many more paid fines or forfeitures which helped to enrich the Despensers. Edward was now supreme, and took, as might be expected, the opportunity to undo all that his enemies had tried to do. In his first parliament, held at York, six weeks after the battle, he procured the revocation of the Ordinances, and an important declaration on the part of the assembled estates that from henceforth 'matters to be established for the estate of our lord the king and of his heirs, and for the estate of the realm and of the people, shall be treated, accorded, and established in parliaments by our lord the king and by the consent of the prelates, earls and barons, and commonalty of the realm, according as hath been hitherto accustomed.' No ordinances were to be made any more like the Ordinances of 1311. The declaration, intended to secure the crown from the control of the barons, enunciates the theory of constitutional government. And thus the Despensers tried to turn the tables against their foes. But although they determined to annul the Ordinances they did not venture to withdraw the material benefits which the Ordinances had secured. The king, immediately

Revocation of the Ordinances of 1311.

after the revocation, reissued in the form of an ordinance of his own some of the most beneficial provisions; and the parliament responded by reversing the acts against the favourites and granting money for defence against the Scots.

It was indeed high time, for such had been the course of recent events that the attitude of the two kingdoms was reversed, and England seemed more likely to become tributary to Scotland than to exercise sovereignty over it. Edward's campaign was, however, as usual, unsuccessful. He narrowly escaped capture amongst the Yorkshire hills, and the whole county was in such alarm that he found it scarcely possible to hold a parliament at York. Nor did his troubles end there. Early in the following year he found that Sir Andrew Harclay, whom he had just made Earl of Carlisle, was negotiating treasonably with Robert Bruce; he was taken, condemned, and executed. Well might the unhappy king throw himself more desperately than ever on the support of the Despensers, for he knew none others, even of those who had served him best or whom he had most richly rewarded, who were not ready to turn and betray him. With the Despensers he was safe, for they, he was sure, could only stand with him and must fall when he fell. One thing, however, he did, in itself wise and just—concluding with Scotland a truce for thirteen years. This was done in May 1323. Prudent as it was, it alienated from him the adventurers who like Henry de Beaumont were intent on carving out for themselves counties in conquered Scotland. Everything was interpreted in the worst sense against him: the men who refused to follow him to war cried out against the peace; and the men who had followed him to war deserted him. Thus, when he at last found himself without a rival in the kingdom,

Campaign of Edward in the North.

Truce with Scotland.

seemed as if he were left alone to discover how great depths of abasement were still to be sounded; new calamities which, whoever really caused them, seemed to result from his own incapacity. In truth, partly owing to Edward's neglect of the duty of a king, and partly owing to the inveterate animosities following on the death of Lancaster, the tide of public and private hatred was too high to be long resisted. Yet the last impulse came from a quarter from which it might have been least expected and from which it was certainly least deserved.

Edward, with all his faults, had been a kind husband and father; but he had trusted his wife less implicitly than she desired to be trusted. In this he was justified by the fact of her close relationship to the Earl of Lancaster, and still more by the jealousy which she displayed towards his confidential ministers. Not only the Despensers but Stapleton, Bishop of Exeter, the Treasurer, and Baldock, the Chancellor, were the objects of her settled aversion; and she lent a ready ear to all who fancied that these men had injured them or stood in the way of their advancement. The court contained many such men, who were ambitious of becoming ministers of state or bishops and ready to take either side for gain; men who hated the Despensers, and who saw their own prospects blighted by the fall of Lancaster. Regularly, as the tide had turned, as the king or the Ordainers had gained or lost, the great offices of state had changed hands, and there was all the grudging, all the personal animosities, which in later ages appear to be inseparable from government by party.

Position and policy of the queen.

The events which followed the peace with Scotland brought these influences more strongly into play. The shadows gathered rapidly round the miserable king

almost from that hour. The constitutional struggle had ceased. The death of the Earl of Lancaster had rid the Despensers of their most dangerous rival, the revocation of the Ordinances had left the government in their hands, and the death of the Earl of Pembroke in 1324 left them without competitors. The elder Hugh, now made Earl of Winchester, set no limit to his acquisitiveness; he was an old man, and might have considered that it would be more conducive to his son's welfare to make friends than to multiply estates. The younger Hugh, himself a man of mature years, was made, by his violence and pride, even more conspicuous than his father. Henry of Lancaster, the brother and heir of Earl Thomas, was reduced to practical insignificance by the detention of his brother's estates in the king's hands; and although the Despensers sought to purchase his services, and he had no personal dislike to the king, he could not be regarded as a safe and sound pillar of the falling state. The ministers Baldock and Stapleton were faithful men, but neither wise enough to counteract nor strong enough to guide the policy of the favourites.

Avarice and arrogance of the Despensers.

Philip V. died in January 1322, and the homage of Edward for the provinces of Ponthieu and Gascony was forthwith demanded for his successor, Charles IV. A series of negotiations followed which early in 1324 led to a peremptory summons and a threat of forfeiture, no indistinct prelude to war. Edward might easily have crossed over to his brother-in-law's court, as he had done more than once before, but the Despensers would not allow it. They dared not suffer him to escape from their direct control, they dared not accompany him; if he left them in England they knew their doom. The French court too was filled with their enemies; Roger Mortimer, the lor

Summons to Edward to do homage to the new French king.

of Wigmore, who had been taken prisoner in 1322, had escaped from the Tower and gone to France. Henry of Lancaster was waiting to supplant them at home. War was the only alternative. Still negotiations proceeded. First Pembroke was sent; he died on the mission; then Edmund of Kent, the king's half-brother; he failed to obtain terms. The king's most trusted chaplains were sent to the Pope; but they spent their labour and treasure in securing their own promotion. At last in 1325 the queen went over. She parted apparently on the best terms with both Edward and the Despensers, and continued in friendly correspondence until she had prevailed on the king to send over his eldest son. It was arranged that the provinces should be made over to him and that he should do the homage. This was done in September 1325, and almost immediately afterwards she threw off the mask. How long she had worn it we cannot tell. Possibly she left Edward in good faith and fell on her arrival in France into the hands of those who were embittered against him; possibly she was a conspirator long before. Anyhow the tie to the king, which could be so easily broken, could not, in the case of either mother or son, have been a strong one. As early as December the king was warned that Isabella and Edward would not return to him.

Departure of the queen for France, followed by that of Prince Edward.

Quickly she gathered round her all whom the king had cause to fear. Roger Mortimer, whether by reason of passion or of policy, gained complete ascendency over her. The young Edward was instructed that it was his duty to deliver his father out of the hands of the Despensers or to deliver England out of the hand of Edward. Edmund of Kent, the king's brother, was persuaded to join, and the conspirators, if not actually supported by promises from

Intrigues of Isabella in France.

England, were too willing to believe that to be victorious they had only to show themselves. As the French king was slow to commit himself, Isabella contracted an alliance with the Count of Hainault, and obtained money from the Italian bankers. They furnished supplies, the count furnished men and ships.

Edward knew all this, but he knew not how to meet it. In vain he summoned parliaments that would do nothing when they met, and ordered musters that would not meet at all. He found that all whom he trusted deceived him; that, except the Despensers and the two detested ministers, none even pretended to support him; and that he was obliged to depend on the very men who had the most to avenge. At last Isabella landed, on September 24, 1326, on the coast of Suffolk, proclaiming herself the avenger of the blood of Lancaster and the sworn foe of the favourites. Edward, who was in London, tried to obtain help from the citizens, and prevailed on the bishops to excommunicate the invaders. But early in October he fled into the West, where he thought the Despensers were strong; on the 15th the Londoners rose and murdered the treasurer; Archbishop Reynolds retired into Kent and began to make terms with the queen.

Helplessness of the king.

Landing of Isabella on the coast of Suffolk.

She in the meantime moved on in triumph; Henry of Lancaster, the king's brothers, the earls, save Arundel and Warenne, the bishops almost to a man, joined her either in person or with effective help. Adam Orlton, the Bishop of Hereford, who had been the confidential friend of Bohun, and Henry Burghersh, the Bishop of Lincoln, the nephew of Badlesmere, led the councils of aggression. They advanced by Oxford to attack Bristol, where they expected to find Edward and the Earl of Winchester

Triumphant march of Isabella to the West of England.

On October 26 the queen reached Bristol, but her husband had gone into Wales and was attempting to escape to Ireland. The capture of Bristol, however, was the closing event of his reign. The Earl of Winchester was hanged forthwith. The young Edward was declared by the lords on the spot guardian of the kingdom, and he summoned a parliament to meet in his father's absence. The king, with Hugh le Despenser and Baldock, were taken on November 16; on the 17th the Earl of Arundel was beheaded at Hereford; on the 24th Hugh le Despenser was hanged, drawn, and quartered at the same place. The parliament was to settle the fate of the king, and the parliament met at Westminster on January 7. There matters were formally discussed, but the conclusion was, as all the world knew, foregone. Even if any had thought that, now that the country was rid of the Despensers, the king might be allowed to reign on, the dread of the London mob and of the armed force which Mortimer brought up silenced them. The wretched archbishop declared that the voice of the people was the voice of God. Bishop Orlton, professing to believe that if the king were released the queen's life would not be safe, insisted that the parliament should choose between father and son. Bishop Stratford of Winchester, who led the Lancaster party and had no love for Mortimer, drew the articles on which the sentence of renunciation was founded. The king, he said, was incompetent or too indolent to judge between right and wrong; he had obstinately refused the advice of the wise and listened to evil counsel; he had lost Ireland, Scotland, and Gascony, he had injured the Church, oppressed the barons, he had broken his coronation oath, and he was ruining the land. After some debate the articles were placed before the unhappy king, who confessed that they were true and

Fall of Bristol.

Overthrow and deposition of the king.

that he was not worthy to reign. On January 20 he resigned the crown and the parliament renounced their allegiance and set his son in his place. For eight months longer he dragged on a miserable life, of which but little is known. Men told sad stories of suffering and insult which after his death provoked his kinsmen to avenge him, but none interfered to save him now. The reign of Mortimer and Isabella was a reign of terror; and before the terror abated Edward was murdered. The place of his death, the Castle of Berkeley, and the date, September 21, are known. Henry of Lancaster, who was at first appointed to guard him, had treated him too well. His new keepers, either prompted by the queen and Mortimer or anxious to win a reward, slew him in some secret way. And thus ended a reign full of tragedy, a life that may be pitied but affords no ground for sympathy. Strange infatuation, unbridled vindictiveness, recklessness beyond belief, the breach of all natural affection, of love, of honour, and loyalty, are here; but there is none who stands forth as a hero. There are great sins and great falls and awful vengeances, but nothing to admire, none to be praised.

Murder of Edward II.

So the son of the great king Edward perished; and with a sad omen the first crowned head went down before the offended nation; with a sad omen, for it was not done in calm or righteous judgment. The unfaithful wife, the undutiful son, the vindictive prelate, the cowardly minister were unworthy instruments of a nation's justice.

Importance and significance of the reign of Edward II.

Such as it is, however, the reign of Edward II. is chiefly important as a period of transition. It winds up much that was left undone by his father; it is the seed-time of the influences which ripened under his son. The constitutional acts of 1309, 1310 and 1311 are the supplement to those of 1297; the tragedy of Piers Gaveston a

Earl Thomas is the primary cause of much of the personal history that follows. So, too, the reign closes the great interest of Scottish warfare, and contains the germ of the long struggle with France. But viewed by itself its tragic interest is the greatest; and it is rich in moral and material lessons. It tells us that the greatest sin for which a king can be brought to account is not personal vice or active tyranny, but the dereliction of kingly duty; the selfish policy which treats the nation as if it were made for him, not he for the nation. It is the greatest sin and the greatest folly, for it at once draws down the penalty and leaves the sinner incapable of avoiding it or resisting it; it leaves the nation to be oppressed by countless tyrants, and is by so much worse than the tyranny of one. It allows the corruption of justice at the fountain's head.

So we close a long and varied epoch. The sum of its influences and results must be read in the history of the following age, in which, in many important points, the reign of Richard II. repeats the tragedy of Edward II.; and the struggles of York and Lancaster consummate the series of events which begin at Warwick and at Pomfret; in which the constitution that we have seen organised and consolidated under Henry II. and Edward I. is tested to the utmost, strained and bent and warped, but still survives to remedy the tyranny of the Tudors and overthrow the factitious absolutism of the Stewarts.

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